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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

TERRITORY OF OREGON:

DURING THE

EIGHTH REGULAR SESSION,

1856—7.

THE 81ST YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

SALEM, OREGON:
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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, DECEMBER 1, 1856.

PURSUANT to law, the eighth regular session of the House of Representatives of the Territory of Oregon was convened this day at Salem, in said Territory.

The House was called to order by Mr. Grover.

On motion,

Mr. Smith, of Linn, was appointed Speaker, *pro tem.*, and E. N. Bowman, clerk, *pro tem.*

On motion of Mr. Grover,

That a committee of three be appointed to examine and report on credentials,

The Speaker appointed Messrs. Grover, Munroe, and Dryer.

On motion of Mr. Grover,

The House adjourned to meet to-morrow morning at 11 o'clock, A. M.

TUESDAY, DECEMBER 2, 1856.

The House met pursuant to adjournment.

The proceedings of yesterday being read and approved,

Committee on credentials, by their chairman, Mr. Grover, made the following report, to wit:

The committee on credentials, appointed to report who are duly returned as members of this House, beg leave to report the following members:

Jackson County—John S. Miller, Thomas Smith.
Jackson and Josephine—A. M. Berry.
Douglas—Aaron Rose.
Coos and Curry—A. E. Rogers.
Umpqua—D. C. Underwood.
Lane—James Munroe, Robert Cochran.
Josephine—W. J. Matthews.
Linn—Delazon Smith, H. L. Brown, Wm. Ray.
Benton—J. C. Avery, James A. Bennett.
Polk—Andrew J. Welch.
Polk and Tillamook—W. M. Walker.
Marion—L. F. Grover, Wm. Harpole, Jacob Consor.
Clackamas—A. L. Lovejoy, F. A. Collard, W. A. Starkweather
Yamhill—Wm. Allen.
Multnomah—Geo. W. Brown.
Washington and Multnomah—Thos. J. Dryer.
Washington—H. V. V. Johnson.
Columbia—Samuel E. Barr.
Clatsop—James Taylor (seat contested by J. W. Moffit.)

Your committee recommend that the contestants for the seat of member from the county of Clatsop be admitted to seats within the bar of the House until the question of eligibility be determined.

On motion of Mr. Lovejoy,
The report of the committee was adopted.
On motion of Mr. Lovejoy,
The House adjourned to meet at 2 o'clock, P. M.

AFTERNOON SESSION.

On motion of Mr. Smith, of Linn,
Judge C. N. Terry, notary public, was invited to administer the

oath of office to the members elect, and the members included in the report of the committee on credentials were qualified and took their seats.

On motion of Mr. Lovejoy,

The House proceeded to the election of Speaker, *viva voce*, which resulted as follows:

Whole number cast, 26; of which number,

L. F. Grover received	21
Blank,	6

Whereupon Mr. Grover was declared duly elected, and conducted to the chair by Messrs. Lovejoy and Dryer, and qualified.

On motion,

House proceeded to election of chief clerk, which resulted as follows:

Whole number of votes cast, 26.

D. C. Dade received	24
Blank,	2

Whereupon D. C. Dade was declared duly elected, and qualified.

On motion,

House proceeded to the election of assistant clerk, which resulted as follows:

Whole number of votes cast, 26; of which number,

E. N. Bowman received	25
Blank,	1

Whereupon Mr. Bowman was declared duly elected and qualified.

On motion,

The House proceeded to the election of enrolling clerk, which resulted as follows:

Whole number of votes cast, 27; of which number,

John Looney received	24
Blank,	3

Whereupon Mr. Looney was declared duly elected, and qualified.

On motion,

House proceeded to the election of sergeant-at-arms, which resulted as follows:

Whole number of votes cast, 27; of which number,

Jacob S. Risley received - - - - 26
Blank, - - - - - - - - 1

Whereupon Mr. Risley was declared duly elected, and qualified.

On motion,

House proceeded to election of door-keeper:

Whole number of votes cast, 25; of which number,

Henry J. Brown received - - - - - 23
Blank, - - - - - - - 2

Whereupon Mr. Brown was declared duly elected, and qualified.

Mr. Avery introduced the following resolution:

Resolved, That the rules of last session be adopted as the rules of this House, until other rules shall be adopted.

On motion,

The resolution was adopted.

On motion of Mr. Lovejoy,

That a committee of five be appointed to investigate and report upon the case of the contested election of the member from Clatsop,

Motion prevailed.

Whereupon the Speaker appointed Messrs. Lovejoy, Smith, of Linn, Dryer, Rogers, and Cochran, said committee.

Mr. Smith, of Linn, introduced the following resolution:

2d: *Resolved*, That the clerk of this House be and he is hereby instructed to inform the Council that the House is duly organized, and that it is now ready to proceed to business.

On motion,

The resolution was adopted.

Mr. Brown, of Multnomah, moved that a committee of three be appointed to report rules for the government of this House.

Adopted.

Speaker appointed Messrs Brown, of Multnomah, Avery, and Starkweather.

On motion of Mr. Avery,

A committee of three on the part of the House was appointed, to

act with a like committee on part of the Council, to report joint rules for the government of both Houses.

The Speaker appointed Messrs. Conser, Berry, and Underwood.

Mr. Smith, of Linn, introduced the following resolution:

3d. *Resolved*, That the clerk of this House be and he is hereby instructed to furnish each member and officer of this House with six copies of Oregon newspapers, as each member and officer may designate.

On motion,

The resolution was adopted.

Mr. Brown, of Multnomah, offered the following resolution:

4th. *Resolved*, That the sergeant-at-arms provide for reporters within the bar.

Adopted.

Mr. Smith, of Linn, offered the following resolution:

5th. *Resolved*, That the Secretary of the Territory is hereby instructed to provide each member of this House with a copy of the Oregon Statutes, and the Laws and Journals of the last session; said Statutes to be used by the members of the House, and returned to said Secretary at the close of this session.

On motion,

The resolution was adopted.

On motion of Mr. Lovejoy,

The House adjourned to meet to-morrow morning, at 10 o'clock, A. M.

I certify that the foregoing is a true and correct copy of Journal of the House of Representatives of Oregon Territory, approved by said House, for Monday, the 1st, and Tuesday, the 2d days of December, 1856.

D. C. DADE,

Chief Clerk House of Representatives.

WEDNESDAY, DECEMBER 3, 1856.

House met pursuant to adjournment.

Mr. Harpole presented credentials of the member from the county of Wasco.

Committee on credentials reported N. H. Gates duly returned as member from the county of Wasco, to whom the Speaker administered the oath of office, and took his seat.

Mr. Collard, member from the county of Clackamas, was qualified and took his seat.

Mr. Dryer presented the petition of James Terwilliger and 160 others, citizens of Oregon Territory, praying that territorial convicts be compelled to work on territorial roads from Portland to Salem, on westerly side of Willamette river.

On motion of Mr. Brown, of Multnomah,

Petition was referred to select committee of three.

Speaker appointed Messrs. Brown, of Multnomah, Bennett, and Ray, said committee.

On leave of the House, further time was given committee on the contested election of the member from Clatsop.

Mr. Starkweather introduced the following resolution:

6th. *Resolved*, That on the first reading of bills originating in this House, the clerk thereof shall be required to procure sixty printed copies of the same for the use of the House, and thirty additional copies for the use of the Council, unless otherwise ordered by the House.

On motion of Mr. Smith, of Linn,

That portion of the resolution referring to Council was stricken out, and amended by inserting one hundred copies, instead of sixty.

On motion,

The resolution, as amended, was adopted.

Mr. Starkweather offered the following resolution:

7th. *Resolved*, That, until otherwise ordered by the House, the morning session shall commence at 10 o'clock, and afternoon at 2 o'clock.

Mr. Dryer moved to amend by striking out "ten" and inserting "nine."

Amendment adopted.

On motion,

The resolution, as amended, was adopted.

Mr. Smith, of Linn, introduced the following resolution:

H. R. 8. *Resolved*, That the door-keeper of the House is hereby instructed to keep the hall open and warm from 8 o'clock, A. M., till 10 o'clock, P. M., each day of the week, Sunday only excepted.

On motion,

The resolution was adopted.

Mr. Smith, of Linn, introduced the following resolution:

H. J. R. 1. *Resolved*, That a committee of two be appointed on the part of the House, to act with a like committee on the part of the Council, to wait on His Excellency the Governor, and inform him that the Legislative Assembly is duly organized, and are ready to receive any communications that he may be pleased to make.

On motion,

The resolution was adopted.

Mr. Brown, of Multnomah, offered the following resolution:

H. R. 9. *Resolved*, That the clergy of Salem be and same are hereby invited in turn to act as chaplain of the House of Representatives during its present session.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Brown, of Multnomah, Brown, of Linn, Collard, Dryer, Johnson, Munroe, Ray, Rogers, Smith, of Linn, Taylor, Underwood, Walker, Welch—17.

Nays—Messrs. Bennett, Cochran, Conser, Gates, Harpole, Lovejoy, Matthews, Miller, Rose, Smith, of Jackson, Starkweather, Mr. Speaker—13.

So the resolution was adopted.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER: I am directed by the President to inform you that

the Council of Representatives has been organized by the election of James K. Kelly, President; Ahio S. Watt, chief clerk; John Costello, assistant clerk; T. McF. Patton, enrolling clerk; George M. Holmes, sergeant-at-arms; E. E. McClane, doorkeeper; and is now ready to proceed to business.

Mr. Brown, of Multnomah, from the committee on rules for the government of the House, made the following report:

The committee appointed for the purpose of reporting rules for the government of the House, beg leave to report the rules of last session, without amendment, except the word "that" be stricken out of the first line in rule 39.

Mr. Smith, of Linn, offered the following amendment to rule 7th, as reported by the committee:

Amend 7th rule by striking out all of the 1st line, and to the word "vote," in second line, and insert the following: "Whenever the yeas and nays are called for, the Speaker shall vote."

Amendment not agreed to.

On motion of Mr. Starkweather,

The 62d rule of last session was excepted from the rules reported by the committee.

Mr. Avery moved that that portion of the report of the committee recommending the word "that" to be stricken out of the 1st line in rule 39, be not agreed to.

The motion was adopted.

On motion of Mr. Lovejoy,

Rule 60th was amended by adding to it, "while the House is in session."

On motion,

The report, as amended, of the committee on rules, was adopted.

On motion of Mr. Dryer,

The House adjourned to meet at 2 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Avery gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to change the judicial districts.

Mr. Smith, of Linn, gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill to amend an act

entitled "An act relating to assessors," passed January 26th, 1854.

Mr. Smith, of Jackson, gave notice that on some subsequent day of the session, he should introduce a bill to tax Chinamen engaged in taking gold from the mines of the several mining counties of the Territory of Oregon.

Mr. Brown, of Multnomah, gave notice that on to-morrow, or some subsequent day, he would introduce a bill to amend the road law.

Mr. Smith, of Linn, gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill to amend an act entitled "An act to regulate proceedings in actions at law in the supreme and district courts."

Mr. Avery offered the following (H. J. R. 2):

Resolved, the Council concurring, That a committee of three on the part of the House be appointed, to act with a like committee of the Council, to draft a memorial to Congress upon the subject of the late act of Congress relative to the judiciary.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown, of Multnomah, Brown, of Linn, Collard, Cochran, Consor, Dryer, Gates, Harpole, Johnson, Matthews, Miller, Monroe, Ray, Rose, Smith, of Jackson, Taylor, Underwood, Walker, Welch, and Speaker—25.

Nays—Messrs. Lovejoy, Rogers, Smith, of Linn, and Starkweather—4.

Resolution was adopted.

The Speaker appointed Messrs. Avery, Lovejoy, and Dryer said committee.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President to inform you that the Council concur in House resolution in relation to a joint committee to draft and report rules for the government of both houses.

The President has appointed as said committee, Messrs. Peebles, Smith, and Ford.

Also, that the Council concur in the House resolution in relation to appointing a joint committee to wait upon the Governor, &c.

The President appointed as said committee, Messrs. Drain and O'Bryant.

Mr. Collard gave notice that on to-morrow or some subsequent day, he would introduce a bill to repeal an act entitled "An act to change the compensation of judges and clerks of elections," passed Jan. 21, 1856.

On motion of Mr. Brown, of Multnomah,

The House adjourned to meet to-morrow morning at 9 o'clock, A. M.

I certify that the foregoing is a true and correct copy of Journal of the House of Representatives of Oregon Territory, approved by said House, for Wednesday, the 3d day of December, 1856.

D. C. DADE,

Chief Clerk House of Representatives.

THURSDAY, DECEMBER 4, 1856.

The House met pursuant to adjournment.

Present—Messrs. Barr, Berry, Bennett, Brown, of Linn, Collard, Cochran, Dryer, Gates, Lovejoy, Matthews, Miller, Munroe, Ray, Rogers, Rose, Smith, of Linn, Starkweather, Taylor, Walker, Welch, and Speaker.

Journal of yesterday read and approved.

The following standing committees were announced by the Speaker:

Judiciary—Messrs. Smith, of Linn, Lovejoy, Rogers, Dryer, and Consor.

Ways and Means—Messrs. Lovejoy, Berry, and Munroe.

Claims—Messrs. Avery, Walker, and Cochran.

Education—Messrs. Starkweather, Rogers, and Barr.

Military Affairs—Messrs. Brown, of Linn, Miller, and Allen.

Roads and Highways—Messrs. Welch, Rose, and Collard.

Engrossed Bills—Messrs. Consor, Ray, and Underwood.

Enrolled Bills—Messrs. Brown, of Multnomah, Johnson, and Cochran.

Indian Affairs—Messrs. Gates, Smith, of Jackson, and Taylor.

Printing—Messrs. Rogers, Smith, of Linn, and Gates.

Corporations—Messrs. Berry, Harpole, and Brown of Linn.

Commerce—Messrs. Dryer, Avery, and Taylor.

Counties—Messrs. Bennett, Matthews, and Munroe.

Elections—Messrs. Cochran, Walker, and Harpole.

Mr. Lovejoy, chairman of committee on contested election of member from Clatsop, reported.

Read by Mr. Smith, of Linn.

On motion of Mr. Lovejoy,

100 copies ordered to be printed.

Mr. Consor, chairman of committee on joint rules for the government of both Houses, reported rules of last session.

Adopted.

Mr. Smith, of Linn, from the joint committee to wait on His Excellency, the Governor, and inform him that the Legislative Assembly, is duly organized and ready to receive any communication that he may be pleased to make, report they have complied with said resolution.

Mr. Lovejoy offered the following,

H. R. 10. *Resolved*, That the clerk be, and he is hereby required to furnish a certified copy of the approved journal of the House, to the public printer, to be printed for the use of the members and officers of the House, daily.

Mr. Consor gave notice that on to-morrow, some subsequent day he would introduce a bill to incorporate Jefferson Institute, in Marion county.

Mr. Taylor gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to amend an act entitled "An act for the establishment of a pilotage on the Columbia and Willamette rivers.

Mr. Taylor gave notice that he would, to-morrow, or some subsequent day, introduce a bill for the inspection of fish in Oregon.

Mr. Gates gave notice that he would, to-morrow, or some subse-

quent day of this session, introduce a bill to define the boundary line between Multnomah and Wasco counties.

Mr. Starkweather gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to amend an act entiled "An act to regulate the fees of certain officers and other persons."

Mr. Brown, of Multnomah, gave notice that on to-morrow, or some subsequent day, he would introduce a bill requiring justices of the peace, judges of probate, sheriffs, and auditors, to be elected annualy.

Mr. Brown, of Multnomah, gave notice that on to-morrow, or some subsequent day, he would introduce a bill establishing a free ferry at Portland.

Mr. Smith, of Linn, chairman of judiciary committee, introduced

H. B. 1, To conform the practice of the courts to the act of congress 16th July, 1856.

Read first time.

On motion,

500 copies ordered to be printed.

House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Looney, through the Speaker, respectfully declined acting as enrolling clerk.

Mr. Dryer moved that election of an enrolling clerk, be made the special order of the day on to-morrow.

Adopted.

Mr. Avery introduced

H. B. 2, To change the judicial districts.

Read first time.

Mr. Collard introduced

H. B. 3, To repeal an act entitled "An act to change the compensation of judges and clerks of elections," passed Jan. 21, 1856.

Read first time.

Mr. Smith, of Linn, on leave, introduced

H. B. 4, For the relief of Nat. H. Lane.

Read first time.

Mr. Smith, of Linn, on leave of House, presented petition of Clarissa Mull, for divorce.

On motion of Mr. Dryer,

Referred to committee on judiciary.

A message from the Council, by Mr. Watt, their clerk:

Mr. Speaker:

I am directed by the president to inform you, that the Council concurs in

H. R., To appoint a joint committee to draft a memorial to congress on the subject of the late act of congress relative to judiciary.

The President appoints, as said committee, Messrs. Peebles, Ford, and Smith.

Mr. Lovejoy, gave notice of his intention to introduce a bill to amend an act to regulate the treasury department.

Mr. Dryer introduced the following—

H. R. 11, *Resolved*, That the Quarter-master General of Oregon Territory be, and he is hereby required to report in detail, to the Legislative Assembly of Oregon, now in session, at the earliest possible moment—

1. The amount and description of all property purchased by that department, or which has by any means come into the possession of said Quarter-master General, or his assistants.

2. The amount and particular kinds of property sold or otherwise disposed of.

3. The amount of scrip, money, or other considerations received (specifying each.)

4. The amount of scrip cancelled, the amount of money received.

5. The amount of money now in his hands, or, if any portion has been paid out or expended, to whom, and for what purpose.

6. The amount and particular kinds of property remaining in the possession of that officer, or his assistants and employees, and such other information as the said Quarter-master General may deem proper, and the public interest require.

Adopted.

Mr. Dryer gave notice that he would, on to-morrow, or some subsequent day during the session, introduce a bill repealing so much of

the act entitled "An act to substitute the *viva voce* for the ballot mode of voting," as may be necessary to change the *viva voce* mode to that of ballot.

Mr. Smith, of Linn, offered the following—

H. R. 12. *Resolved*, That when this House adjourns on to-morrow, Friday, it will adjourn to meet at 10 o'clock, Monday morning.

Adopted.

Mr. Conser gave notice that on to-morow, or some subsequent day of the session, he would introduce a bill to restrain swine from running at large.

Mr. Gates Gates gave notice that he would, on some subsequent day of this session, introduce a bill to locate a territorial road from the town of the Dalles to John Day's river, in Wasco county.

House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Thursday, 4th December, 1856, as approved by said House.

D. C. DADE,
Chief Clerk House Representatives.

FRIDAY, DECEMBER 5, 1856.

House met pursuant to adjournment.

Present— Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Multnomah, Brown of Linn, Collard, Cochran, Consor, Dryer, Lovejoy, Matthews, Munroe, Ray, Rogers, Rose, Smith of Jackson, Smith of Linn, Starkweather, Taylor, Underwood, Walker, and Speaker.

Journal of yesterday was read and approved.

Mr. Consor presented petition of Cyrenius Condit and twenty-eight other citizens of Marion county, in relation to change of territorial road leading from Salem to McDonald's ferry.

On motion,

Petition was referred to committee on roads and highways.

On motion,

The House proceeded to election of enrolling clerk, *vive voce*.

Whole number of votes cast, 24—

Thos. D. McCou received, 21

Blank, - - - 3

Mr. McCou was declared duly elected, and qualified.

Mr. Smith of Linn, moved that the case of contested seat in this House, be made the special order of the day for Monday next.

Adopted.

Mr. Lovejoy introduced,

H. B. 5, To regulate Treasury Department.

Read first time.

Mr. Brown of Multnomah, introduced,

H. B. 6, To incorporate the Willamette Free Ferry Company.

Read first time.

Mr. Avery, gave notice that on some subsequent day of the session he would introduce a bill to incorporate an academy at Corvallis, Benton county.

Mr. Smith of Linn, gave notice that on some subsequent day of the session he would introduce a bill to incorporate a Masonic Lodge in the town of Albany, in the county of Linn.

Also, that he would, on some subsequent day of the session, introduced a bill to incorporate a Literary and Library Association, in the said town of Albany.

Mr. Lovejoy gave notice that he would, on some subsequent day of the session, introduce a bill to amend "An act to provide for the sale common school lands for the Territory of Oregon."

Mr. Taylor gave notice that he would, on some subsequent day of the session, introduce a bill to amend the law relating to territorial printer.

Mr. Dryer introduced the following,

H. R. 13, *Resolved*, That the commissioners of the penitentiary be and they are hereby required to report to the Legislative Assembly of Oregon, immediately, upon what block or blocks, known and numbered on the map of said city recognized by the city council, the building or buildings now stand; also, whether any portion of said building stands upon any street or public highway; also, who are the owners of the land upon which said building now stands.

Adopted.

Mr. Bennett gave notice that on some subsequent day of the session, he would introduce a bill to incorporate a Masonic Lodge at Corvallis, Benton county.

Mr. Consor gave notice that he would introduce a bill amendatory to an act entitled "An act relating to roads and ferries."

Mr. Dryer gave notice that on an early day of the session, he would introduce a bill to amend "An act to organize the militia," passed at the last session of the Legislative Assembly, so as to require all officers recognised by said act to give bonds to the Territory of Oregon, for the safekeeping of all property, moneys, or valuables, which may come into their hands, and a legal and proper disbursement of the same.

House adjourned to meet at 2 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion,

House refused to reconsider,

H. R. 12, In regard to adjourning over till Monday.

Mr. Brown, of Multnomah, chairman of committee to whom was referred the petition in relation to territorial convicts performing labor on territorial roads leading from Salem to Portland, reported

H. B. 7, To compel territorial convicts to labor on public roads.

Read a first time.

Mr. Johnson offered the following,

H. R. 14, *Resolved*, That the Commissary and Surgeon Generals, be and are hereby required to report to the Legislative Assembly of the Territory of Oregon, now in session, at the earliest possible period, a full and specific statement of the financial condition of their several departments—the amount of stores purchased; the amount consumed; the amount, if any, now on hand, together with any other information pertaining to their several departments that they may possess of general interest to the people of the Territory of Oregon.

Adopted.

House adjourned.

I certify the foregoing is a true and correct journal of the House

of Representatives of Oregon Territory, for Friday Dec. 5, 1856, as approved by the House, Monday morning, Dec. 8, 1856.

D. C. DADE,
Chief Clerk of the House of Reps.

MONDAY, DECEMBER 8, 1856.

House met pursuant to adjournment.

Present—Messrs. Allen, Avery, Baur, Berry, Bennett, Brown of Multnomah, Brown of Linn, Cochran, Dryer, Gates, Johnson, Lovejoy, Matthews, Miller, Munroe, Ray, Rogers, Rose, Smith of Jackson, Smith of Linn, Starkweather, Taylor, Underwood, Welch, and Speaker.

Prayer by the chaplain, Rev. Mr. Selwood.

Journal of Friday read and approved.

Special order of the day in reference to contested seat of member from Clatsop, was taken up.

Mr. Lovejoy moved that report of select committee on contested seat of member from Clatsop be received.

Motion withdrawn.

Mr. Lovejoy moved to refer report to committee of the whole House.

Adopted.

Mr. Smith of Linn, moved that the House resolve itself into a committee of the whole on the same.

Mr. Smith of Linn, in the chair.

After sometime spent therein, the committee rose, and reported that having had under consideration, the report of select committee on contested seat of member from Clatsop, they beg leave to report progress, and ask leave to sit again.

On motion,

Report was adopted.

Auditor of public accounts offered his report.

Mr. Lovejoy moved that report be received and five hundred copies ordered to be printed.

Adopted.

AFTERNOON SESSION.

Territorial Treasurer offeered his report.

Mr. Dryer moved report be received and five hundred copies ordered to be printed.

Adopted.

Mr. Speaker appointed Messrs. Lovejoy and Dryer joint committee on enrolled bills.

On motion,

The House resolved itself into committee of the whole, on contested seat of member from Clatsop.

Mr. Lovejoy in the chair.

After sometime spent therein committee rose and reported,

That having had under consideration the report of select committee on contested seat of member from Clatsop, they beg leave to report progress, and ask leave to sit again.

On motion,

Report was adopted.

H. B. 1, read second time.

On motion,

Referred to judiciary committee.

Mr. Consor gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to incorporate the Willamette woolen manufacturing company.

On leave, Mr. Taylor introduced,

H. B. 8, To change the name of Clara Hay.

Read first time.

House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Monday, 8th December, 1856, as approved by said House.

D. C. DADE,

Chief Clerk House Representatives.

TUESDAY, DECEMBER 9, 1856.

The House met pursuant to adjournment.

Absent—Messrs. Allen, Avery, Bennett, Johnson, Matthews, Rogers, Rose, Smith of Linn, and Underwood.

Prayer by the chaplain, Rev. Mr. Dickinson.

Journal of yesterday read and approved.

Mr. Ray presented petition from Church of Brethren, commonly called German Baptists or Dunkards.

On motion,

Petition was referred to committee on military affairs.

Mr. Consor presented petition of James Fields and others, in regard to change of territorial road leading from Albany, Linn county, to Drift Creek, in Marion county.

On motion,

Petition was referred to committee on roads and highways.

Mr. Consor presented petition of Chas. Moore and nine others, in regard to change of territorial road between Humphrey's ferry and Albert Davidson's.

On motion,

Petition referred to select committee of three.

Speaker appointed Messrs. Consor, Bennett, and Ray, said committee.

Mr. Smith of Linn, chairman of judiciary committee, to whom was referred H. B. 1, reported bill back to the House with amendment, as follows:

Add at the end of section 6, these words—"unless it shall be necessary in cases now pending in which the evidence has not been recorded."

Strike out of section 8, line 1, these words—"in the next vacation."

On motion,

Report, with amendments, was adopted.

Mr. Smith moved to refer the bill to committee of the whole House.

Adopted.

H. B. 2, read a second time.

On motion,

Referred to committee of the whole.

H. B. 3, read a second time.

On motion,

Referred to committee of the whole.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the president to inform you, that Messrs. Smith and Bailey, on behalf of the Council, have been appointed on the joint committee on enrolled bills, in pursuance of joint rule No. 3.

Mr. Smith of Linn, moved House resolve itself into committee of the whole on contested seat of member from Clatsop.

Adopted.

Mr. Smith of Linn, in the chair.

After some time spent therein, committee rose and reported—

That having had under consideration report of select committee on contested seat of member from Clatsop, they beg leave to report progress and ask leave to sit again.

Adopted.

Mr. Rogers moved that the evidence just received in case of contested seat of member from Clatsop, be received by the House.

Pending which Mr. Smith of Linn, called for reading of the evidence.

Evidence was read.

House refused to entertain evidence.

Mr. Lovejoy moved House adjourn.

Lost.

Mr. Smith of Linn, moved the House resolve itself into committee of the whole.

Adopted.

Mr. Smith of Linn, in the chair.

After sometime spent therein, committee rose and reported—

That having had under consideration, report of select committee on contested seat of member from Clatsop, they beg leave to report the same back to the House, with the recommendation that it be adopted.

Report adopted.

Mr. Lovejoy moved report of select committee in contested seat of member from Clatsop, be adopted.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Avery, Berry, Bennett, Brown, of Linn, Collard, Cochran, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Munroe, Ray, Rogers, Rose, Smith, of Linn, Starkweather, Underwood, Walker, Welch, and Speaker—25.

Nays—Messrs. Barr, Brown, of Multnomah, and Smith, of Jackson—3.

Motion adopted.

Mr. Starkweather gave notice that he would, on some subsequent day of this session, introduce a bill to amend an act entitled "An act for the relief of Clackamas, Washington, Columbia, Linn, Multnomah, and Yamhill counties."

House adjourned.

AFTERNOON SESSION.

Mr. Moffitt, member entitled to seat from Clatsop, appeared, was qualified, and took his seat.

University land commissioners offered report.

Mr. Lovejoy moved reading be dispensed with and 400 copies ordered to be printed.

Adopted.

A communication from the Quarter-master General of Oregon Territory, was read, and

On motion of Mr. Dryer,

Laid on the table.

Commissioners on pilotage offered report.

On motion;

Laid on the table and 300 copies ordered to be printed.

H. B. 4, read second time.

On motion,

Referred to committee on claims.

H. B. 5, read second time.

On motion,

Bill be engrossed and ordered to a third reading to-morrow.

Mr. Lovejoy moved the House resolve itself into committee of the whole for consideration of H. B's 1 and 2.

Adopted.

Mr. Lovejoy in the chair.

After sometime spent therein, committee rose and reported—That having had under consideration H. B's 1 and 2, they beg leave to report H. B. 1, with amendments, back to the House and recommend its passage, and H. B. 2, without any recommendation.

Adopted.

House adjourned.

I certify that the foregoing is a true and correct copy of Journal of the House of Representatives of Oregon Territory, approved by said House, for Tuesday, the 9th day of December, 1856.

D. C. DADE,
Chief Clerk House of Representatives.

WEDNESDAY, DECEMBER 10, 1856.

House met pursuant to adjournment.

Absent—Messrs. Brown of Multnomah, Consor, Dryer, and Starkweather.

Prayer by the chaplain, Rev. Mr. Leslie.

Journal of yesterday read, corrected, and approved.

Mr. Smith of Linn, from judiciary committee made report on petition of Clara Mull, together with the following joint resolution:

H. J. R. 3, Be *it resolved by the Legislative Assembly of the Territory of Oregon*, That in the judgment of the said Legislative Assembly, the marriage solemnized between Noah Mull and Clarissa Mull, on the ninth of October, in the year 1858, in the county of Washington, in this Territory, was and is wholly and absolutely null and void and without either force or effect.

Which,

On motion,

Was adopted.

H. B. 2, read second time.

On motion,

Referred to committee on corporations.

Mr. Consor, from the committee on engrossed bills, reported H. B. 5, back to the House, truly engrossed.

Read third time and passed.

Mr. Smith of Linn, moved H. B. 2, be laid on the table.

Withdrawn.

Mr. Smith of Linn, moved H. B. 2, be referred to committee on judiciary.

Adopted.

H. B. 1, read third time.

The question being, Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffit, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, Welch, and Speaker—29.

Nays—none.

So the bill passed.

Communication from the Commissary General of Oregon Territory, was read.

Mr. Avery moved 100 copies each of the communications of the Quarter-master and Commissary Generals, be printed.

Mr. Dryer moved to amend by inserting 1000 copies.

Pending which,

House adjourned.

AFTERNOON SESSION.

Mr. Dryer moved to amend by inserting 500 copies.

Mr. Smith of Linn, moved to lay upon the table.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Brown of Linn, Cochran, Consor, Gates, Harpole, Matthews, Miller, Moffitt, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Underwood, Walker, Welch, and Speaker—18.

Nays—Messrs. Avery, Barr, Berry, Bennett, Brown of Multnomah, Collard, Dryer, Johnson, Lovejoy, Munroe, and Starkweather—11.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

I am directed by the President to inform you that

C. B. 1, An act to extend the limits of the county seat of Polk county,

Has passed the Council, and it is herewith transmitted to the House for concurrence.

C. B. 1, read first time.

On motion,

House resolved itself into

COMMITTEE OF THE WHOLE,

For consideration of H. B. 3.

Mr. Lovejoy in the chair.

After sometime spent therein committee rose and reported—

That having had under consideration H. B. 3, they beg leave to report the same back to the House recommending its passage.

HOUSE OF REPRESENTATIVES.

Report adopted.

H. B. 3, read third time, and,

On motion,

Laid on the table.

Mr. Lovejoy offered the following resolution:

H. R. 15, *Resolved*, That in the opinion of the House of Representatives of Oregon Territory, Mr. Taylor, of Clatsop county, whose seat in the House, was contested, is entitled to mileage, and per diem allowance, while he occupied said seat.

On leave, Mr. Avery introduced,

H. B. 9, To incorporate Willamette woolen manufacturing company.

Read first time,

On motion,

Referred to committee on corporations.

House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Wednesday, Dec. 10, 1856, as approved by the House, Thursday, Dec. 11, 1856.

D. C. DADE,
Chief Clerk of the House of Representatives.

THURSDAY, DECEMBER 11, 1856.

House met pursuant to adjournment.

Absent—Messrs. Allen, Avery, Berry, Bennett, Consor, Dryer, Johnson, Rose, Starkweather.

Prayer by the chaplain, Rev. Mr. Pearne.

Mr. Smith of Linn, from the judiciary committee, to whom was referred,

H. B. 2, To change judicial districts, reported the same back with the recommendation that the following be added to said bill as section 2, and that sections 2 and 3, as they now stand in the bill, be respectively numbered 3 and 4, viz:

Sec. 2. That the three several judicial districts shall remain as hitherto and now organized, save and except as changed by the first section of this act, and it is further provided that one of the judges shall reside in each judicial district.

On motion,

Report with amendments, was adopted.

Mr. Welch, from committee on roads and highways, to whom was referred petition, to relocate portion of territorial road leading from Albany, Linn county, to Drift Creek, in Marion county, made report by bill.

Report adopted.

H. B. 10, To relocate a portion of territorial road from Albany, Linn county, to Drift Creek, Marion county,

Read first time.

C. B. 1, was read second time.

On motion,

H. B. 2, ordered to be engrossed and read a third time to-morrow.

Mr. Starkweather gave notice that on some subsequent day of the session, he would introduce a bill to amend an act entitled "An act relating to marriage and divorce."

H. B. 7, read a second time, and,

On motion,

Referred to a select committee of three.

Messrs. Starkweather, Barr, and Johnson, were appointed said committee.

Mr. Smith of Linn, moved vote on

H. R. 11, Relating to Quarter-master General,

Be reconsidered.

Withdrawn.

Mr. Smith of Linn, offered the following,

H. R. 16, That the Governor of this Territory be and he is hereby most respectfully requested to furnish to this House, at the earliest practicable period, such information as may be in his possession, or under his control, as commander-in-chief of the military forces of this Territory, as will exhibit—

1. The amount of expenses incurred by the Territory, in the prosecution of the late Indian war, and in support of the volunteer service during said war.

2. The amount and kind of property purchased for the use of the troops, expended in service and sold since the termination of the war, by the several military departments of the Territory.

3. The amount of property sold for scrip, and the amount sold for cash, and the disposition made of said cash, and to whom paid, if any of said cash shall have been paid out.

4. What, if any, legislation suggested by the experience of the late Indian campaign, is required to give efficacy to the several subordinate military departments of the Territory, as at present organized by existing laws.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Avery Barr,, Berry, Brown, of Linn, Brown, ofMultnomah, Collard, Cochran, Conser, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith, of Linn, Smith, of Jackson, Starkweather, Underwood, Walker, Welch, and Speaker—27.

Nays—none.

So resolution was adopted.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President to inform you that C. B. 2, has passed the Council, and transmit the same for the concurrence of the House.

C. B. 2, read second time.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed to inform you that H. B's 1 and 5, have passed the Council, with the following amendments attached, and request the concurrence of the House in the same.

On motion,

House concurred in Council amendment of H. B. 1.

House adjourned.

AFTERNOON SESSION.

Mr. Consor, from the committee on engrossed bills, reported H. B. 2, as truly engrossed.

Mr. Consor gave notice that he would, on some subsequent day of the session, introduce a bill declaring the Santiam river navigable.

Mr. Smith of Linn, introduced,

H. B. 11, To incorporate Corinthian Lodge, No. ——.

Read a first time.

On motion,

Amendments of Council to H. B. 5, concurred in.

Mr. Gates introduced

H. B. 12, To define the boundary line between Multnomah and Wasco counties.

Read first time.

The Speaker laid before the House report of university land commissioner.

Mr. Rogers gave notice that he would, on some subsequent day of the session, introduce a bill to repeal the 11th and 13th sections of the act entitled "An act for the establishing of a pilotage on Coos

Bay bar," passed January 18, 1856, and to amend said act in such a manner as to provide that in case the master of any vessel shall employ a steam tug, the pilots shall be entitled to collect pilotage from the steam tug only.

H. B. 8, read second time, and,

On motion,

The rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Rogers, gave notice that on some subsequent day of the session he would introduce a bill to amend an act entitled "An act to organize Curry county," in such manner as to provide that Curry county shall pay its portion of the debts of Coos county, as existed at the time it was detached from said county.

Mr. Dryer moved Mr. Moffitt occupy the same position on standing committees, as Mr. Taylor, to whose seat he is now entitled, did.

Adopted.

House adjourned.

I certify the foregoing is a true and correct journal of the House of Representatives of Oregon Territory, for Thursday Dec. 11, 1856, approved by the House, Dec. 12, 1856.

D. C. DADE,
Chief Clerk of the House of Reps.

FRIDAY, DECEMBER 12, 1856.

The House met pursuant to adjournment.

Absent—Messrs. Bennett, Brown of Multnomah, Collard, Consor, Dryer, Gates, Johnson, Rogers, Starkweather, and Underwood.

Prayer by the chaplain, Rev. Mr. Pearne.

Mr. Brown of Linn, chairman of committee on military affairs, to whom was referred petition of German Baptists or Dunkards, reported H. B. 13.

H. B. 13, read first time.

Mr. Berry, chairman of committee on corporations, to whom was referred

H. B. 6, To incorporate the Willamette free ferry company, reported same back to the House with the following amendments:

Sec. 8. That if in the judgment of the directors at any time, the general welfare and the interest of the company, will be enhanced by the exacting of toll, then said corporate body shall have the privilege of exacting such tolls as may be thought advisable; *provided, however*, that such tolls do not at any time exceed one-third of the present rates of toll exacted by the present ferry, and shall be subject to further reduction, at the discretion of the board of county commissioners of Multnomah county, and recommend its passage.

On motion,

Report was adopted and bill ordered engrossed.

Mr. Smith of Linn, introduced the following:

H. J. R. 4, *Be it resolved by the House, the Council concurring*, That this Legislative Assembly, when it adjourns on Friday, the nineteenth (19th) day of Dec. inst., will adjourn to meet on Monday the fifth (5th) day of January, *proximo*.

Mr. Avery moved to amend by inserting 23d in place of 19th.

Lost.

On motion,

The resolution was adopted.

Mr. Consor introduced the following:

H. J. R. 5, *Resolved by the House, the Council concurring*, That the memorial of numerous citizens of Willamette valley, asking congress for an appropriation of twenty thousand dollars, for the construction of a wagon road from the Grand Ronde Indian Agency, to Tillamook Bay, herewith accompanying, is deserving of the utmost consideration; we, therefore, would urge upon your honorable body the necessity of such an appropriation for the establishment of a wagon road from Grand Ronde to Tillamook Bay, and we in duty bound will ever pray.

The memorial was read.

On motion,

The resolution was adopted.

H. B. 10, Read second time.

On motion,

The rules were suspended, bill considered engrossed, and ordered to a third reading on to-morrow.

H. B. 11, read second time.

On motion,

Rules were suspended, bill read a third time and passed.

C. B. 2, read second time.

On motion,

Referred to committee of the whole.

C. B. 1, read third time and passed.

H. B. 2, read third time, and,

On motion of Mr. Allen,

Was laid on the table.

On motion of Mr. Smith, of Linn,

The House resolved itself into

COMMITTEE OF THE WHOLE,

For consideration of C. B. 2.

After sometime spent therein, committee rose and reported—

That having had under consideration C. B. 2, they beg leave to report the same back to the House with the following amendments:

Add to Sec. 8—"at such time as said committee shall designate."

And recommend its passage.

HOUSE OF REPRESENTATIVES.

On motion,

Report was adopted.

House adjourned.

AFTERNOON SESSION.

Mr. Berry, chairman of standing committee on corporations, to whom was referred

H. B. 9, To incorporate Willamette woolen manufacturing company,

Reported the same back to the House recommending its passage.

Report adopted.

On motion,

A call of the House was made and sergeant-at-arms sent after absent members.

Mr. Smith of Jackson, moved door-keeper be sent for absent members.

Also adopted.

On motion,

Further call of the House dispensed with.

On motion,

The rules were suspended and

C. B. 2, In relation to the formation of a State government,

Was taken up, read a third time.

The question being, Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffit, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, Welch, and Speaker—29.

Nays—none.

So the bill passed.

A message from the Governor, by Mr. Terry, his secretary.

On call, message was read, with accompanying documents.

Mr. Smith of Linn, moved the message, with accompanying documents, be laid on the table and 1500 copies ordered to be printed.

Adopted.

House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Friday, 12th December, 1856, as approved by said House.

D. C. DADE,

Chief Clerk House Representatives.

SATURDAY, DECEMBER 13, 1856.

House met pursuant to adjournment.

Absent—Messrs. Brown of Multnomah, Johnson, and Smith of Jackson.

Prayer by the chaplain, Rev. Mr. Hoyt.

The proceedings of yesterday read and approved.

Mr. Shuck, member elect from the county of Yamhill, presented his credentials, was qualified, and took his seat.

Mr. Rogers presented petition of citizens of Camas Prairie, Coos county, asking to be attached to Douglas county.

Mr. Dryer moved to refer petition to select committee of three.

Mr. Smith of Linn, moved to refer petition to committees on counties.

Adopted.

Mr. Walker, presented petition of E. Williams, for relief.

On motion,

Referred to committee on claims.

Mr. Avery, chairman of committee on claims, to whom was referred bill for the relief of Nat. H. Lane, reported same back to the House with a recommendation that it do not pass.

On motion,

Bill was laid on the table.

Mr. Avery, from joint committee appointed to draft memorial to congress, on the subject of an act of congress regulating fees, costs, and other judicial expenses of the government in the States, Territories, and District of Columbia, and for other purposes, passed 16th August, 1856, made report by memorial.

Which was read and adopted.

H. B. 9, was,

On motion,

Referred to committee of the whole.

H. B. 12, read second time.

On motion,

Referred to committee on counties.

H. B. 13, read second time, and,

On motion,

Referred to committee on judiciary.

H. B. 10, read third time.

On motion,

Recommitted to committee on roads and highways, with instructions to amend.

House adjourned.

AFTERNOON SESSION.

On motion of Mr. Allen,

H. B. 2, was taken from the table.

On motion,

A call of the House was made and sergeant-at-arms sent for absent members.

On motion,

Further call of the House was dispensed with.

On motion of Mr. Lovejoy,

H. B. 2, was made special order of the day for Tuesday next.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the president to inform you, that C. B. 3, has passed the Council, and transmit the same for concurrence of the House.

C. B. 3, To incorporate DesChutes bridge company.

Read first time.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President to inform you that H. B. 8 and 11, have passed the Council; and also, C. B. 5, has passed and herewith transmitted to the House for concurrence.

C. B. 5, To incorporate Eugene City Lodge No. 11.

Read a first time.

On motion,

The rules were suspended and read second time.

On motion,

Rules were suspended, bill read a third time and passed.

Report of Territorial Librarian was presented.

On motion,

Laid on the table and one hundred copies ordered to be printed.

Mr. Smith of Linn, offered the following:

H. J. R. 6, *Resolved by the Legislative Assembly*, That the Territorial Librarian be and he is hereby instructed to rent and fit up a room for the Territorial Library, in accordance with the suggestions contained in his annual report.

Adopted.

Mr. Starkweather, from the select committee to whom was referred H. B. 7, made the following report, without recommendation:

Substitute in place of sections 2 and 3, in the original bill, the following:

Sec. 2. That such convicts, as in the judgment of said superintendent, can be worked upon said roads without being exposed to the liabilities of escape, shall be worked upon the same, upon order and under the directions of the county commissioners of Multnomah county.

Sec. 3. That all expenses attending the further securing of said convicts while working upon the roads, than is otherwise required, shall be borne by Multnomah county.

On motion,

The bill, with report, laid on the table.

Mr. Gates introduced

H. B. 14, To locate territorial road from the town of the Dalles, in Wasco county, to John Day's river.

Read first time.

Mr. Consor introduced

H. B. 15, To declare Santiam river navigable.

Read first time.

Mr. Smith, chairman of judiciary committee, to whom was referred

H. B. 13, To amend an act entitled "An act to organize the militia,"

Reported the same back to the House, without amendment, recommending its passage.

On motion,

The rules were suspended and bill read third time.

The question being, Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Collard, Cochran, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffit, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Underwood, Welch, and Speaker—26.

Nays—Messrs. Brown of Multnomah, and Consor—2.

So the bill passed.

House adjourned.

I certify the foregoing is a true and correct journal of the House of Representatives of Oregon Territory, for Saturday, Dec. 13, 1856, approved by the House, Dec. 15, 1856.

D. C. DADE,
Chief Clerk of the House of Reps.

MONDAY, DECEMBER 15, 1856.

House met pursuant to adjournment.

Absent—Messrs. Brown of Multnomah, Harpole, Rogers, Rose, and Walker.

Journal of Saturday read and approved.

Mr. Consor, chairman of committee on engrossed bills, reported H. B. 6, as truly engrossed.

Mr. Welch, chairman of committee on roads and highways, to whom was recommitted H. B. 10, reported the same back to the House with the following amendments:

Add to section first the following proviso:

Provided, that no change of said road shall be made until proposed new route shall have been opened and completed as aforesaid, and the same accepted by the supervisor of roads of the district in which the said road lies.

On motion,

Report was adopted and bill ordered to be engrossed.

Mr. Lovejoy offered the following:

H. J. R. 7, *Be it resolved by the House, the Council concurring*, That our delegate in congress be and he is hereby respectfully requested to use his influence with the Treasury Department at Washington City, to instruct the Secretary of this Territory, to pay all just and equitable claims for rent of buildings at Corvallis, occupied by the Governor, for an office, and the Legislative Assembly for Legislative Halls, out of any money appropriated by congress for such purposes.

Adopted.

Mr. Collard offered the following H. J. R:

Resolved by the House, the Council concurring, That a committee of three upon the part of the House, and two on the part of the Council, be appointed to draft a memorial to congress, asking that body to divert the university fund to the support of common schools in the Territory of Oregon.

On motion to lay on the table,

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Berry, Bennett, Brown, of Multnomah, Cochran, Dryer, Gates, Johnson, Rose, Smith, of Linn, Shuck, and Speaker—12.

Nays—Messrs. Avery, Barr, Collard, Consor, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Smith, of Jackson, Starkweather, Underwood, and Welch—15.

So resolution was not laid on the table.

On motion to adopt resolution,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brown of Linn, Collard, Cochran, Consor, Lovejoy, Munroe, Moffitt, Ray, Rogers, Smith of Linn, Starkweather, Underwood, and Welch—13.

Nays—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Multnomah, Dryer, Gates, Johnson, Matthews, Miller, Rose, Shuck, Smith of Jackson, and Speaker—15.

So the resolution was lost.

C. B. 3, read a second time.

On motion,

Referred to committee of the whole House.

H. B. 6, read third time; pending which,

House adjourned.

AFTERNOON SESSION.

H. B. 6, still pending.

Mr. Dryer moved bill be indefinitely postponed.

Adopted.

Mr. Dryer gave notice that he would introduce a bill to amend "An act relating to roads and ferries.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to inform you that the Council has approved

H. J. R. 4, Respecting an adjournment of the Legislature on Friday next, 19th inst.

Also,

H. J. R. 5, Asking congress for an appropriation for a wagon road from Grand Ronde, Indian Agency, to Tillamook Bay,

Was adopted.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

I am directed by the President to inform you that the amendment in C. B. 2, section 8, amended by the House, has been concurred in by the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed to inform you by the president of the Council, that

H. J. R. 6, Instructing the Territorial Librarian to fit up a room, &c., for the Territorial Library,

Has been concurred in by the Council.

Also, that the memorial to congress for repeal or modification of the act of congress of 16th Aug., 1856, in relation to the judiciary, has been adopted.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the president of the Council, I herewith transmit H. J. R. 7, which has been concurred in by the Council.

Report of penitentiary commissioners, was presented to the House and read.

On motion,

The same laid on the table and 200 copies ordered to be printed.

Mr. Consor, chairman of committee on engrossed bills, reported H. B. 6, as truly engrossed.

Mr. Smith of Jackson, introduced

H. B. 16, To provide for the taxation of unnaturalized citizens engaged in mining in Oregon Territory.

Read first time.

Mr. Smith of Linn, moved the House resolve itself into

COMMITTEE OF THE WHOLE,

For consideration of C. B. 3 and H. B. 9.

After sometime spent therein, committee rose and reported—

Adopted.

That having had under consideration C. B. 3, they beg leave to report the same back to the House and ask leave to sit again.

HOUSE OF REPRESENTATIVES.

On motion,

The House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Monday, Dec. 15, 1856, as approved by the House, Dec. 16, 1856.

D. C. DADE,

Chief Clerk of the House of Representatives.

TUESDAY, DECEMBER 16, 1856.

The House met pursuant to adjournment.

Absent—Messrs. Brown of Multnomah, Harpole, Moffitt, and Walker.

Prayer by the chaplain, Rev. Mr. Dickinson.

Journal of yesterday read and approved.

Mr. Bennett, chairman of committee on counties, to whom was referred petition of citizens of Camas Prairie, Coos county, made report by bill,

H. B. 17, Entitled "An act to attach Camas Prairie to and make it a part of Douglas county.

Read first time.

Mr. Lovejoy introduced the following resolution:

Resolved, That the judiciary committee be and they are hereby respectfully instructed to inquire into the expediency of passing an act allowing American half-breed Indians to exercise the privileges and immunities of citizenship, and report to this House the result of their deliberations.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Bennett, Brown of Linn, Consor, Gates, Lovejoy, Moffitt, Ray, Rogers, Welch, and Speaker—11.

Nays—Messrs. Allen, Barr, Berry, Brown of Multnomah, Collard, Cochran, Dryer, Johnson, Matthews, Miller, Munroe, Rose, Smith of Linn, Smith of Jackson, Shuck, Starkweather, and Underwood—17.

So the resolution was lost.

Mr. Dryer introduced

H. B. 18, To amend "An act relating to roads and ferries."

Read a first time.

Mr. Brown of Multnomah, introduced

H. B. 19, To amend the road law.

Read first time.

Mr. Consor, on leave, introduced

H. B. 20, To incorporate the city of Salem.

Read first time.

Mr. Brown of Linn, on leave, introduced

H. B. 21, To provide for the building of bridges.

Read first time.

Mr. Smith of Linn, on leave, introduced

H. B. 22, To appoint the times for holding the supreme court.

Read first time.

On motion,

The rules were suspended and bill read a second time.

On motion,

The rules were further suspended, bill read a third time and passed.

H. B. 10, read third time and passed.

H. B. 2,

On motion,

Was made special order of the day, for to-day, was taken up.

The question being,

Shall the bill pass?

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Avery, Bennett, Brown of Linn, Brown, of Multnomah, Cochran, Dryer, Johnson, Matthews, Munroe, Ray, Rose, and Smith of Linn—12.

Nays—Messrs. Allen, Barr, Berry, Collard, Consor, Gates, Harpole, Lovejoy, Miller, Moffitt, Rogers, Shuck, Smith, of Jackson, Starkweather, Underwood, Welch, and Speaker—17.

So bill did not pass.

Mr. Smith of Linn, moved the House resolve itself into

COMMITTEE OF THE WHOLE,

To resume consideration of C. B. 3 and H. B. 9.

Mr. Smith in the chair.

After some time spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration C. B. 3, they beg leave to report the same back to the House with the amendments:

Add to the list of corporators by inserting John A. Sims, with a recommendation that it do pass.

The question being,

Shall the report of the committee be adopted?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Barr, Berry, Bennett, Brown of Linn, Collard, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Welch, and Speaker—25.

Nays—Messrs. Avery and Brown of Multnomah—2.

So report was adopted.

C. B. 3, read a third time.

Pending which,

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Allen, Barr, Berry, Bennet, Brown of Linn, Collard, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Welch, and Speaker —26.

Nays—Messrs. Avery, Brown of Multnomah, and Cochran—3.

So the bill passed.

On motion,

The House adjourned.

AFTERNOON SESSION.

On motion of Mr. Consor,

The House resolved itself into

COMMITTEE OF THE WHOLE,

For consideration of

H. B. 9, To incorporate the Willamette woolen manufacturing company.

Mr. Lovejoy in the chair.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration H. B. 9, they beg leave to report the same back to the House with the following amendment:

Amend by striking out all of the fourth section, after the word "corporation," and insert the following:

"And the individual members of said corporation shall each and singular be liable for the corporate debts of said company, contracted while a member of the same, to the amount of his share of the corporate property, and recommend its passage."

On motion,

Report was adopted.

Mr. Lovejoy moved the bill be engrossed and read a third time to morrow.

Adopted.

Mr. Moffitt presented memorial to congress for appropriation to complete military road from Astoria to Salem.

On motion,

Adopted.

Mr. Moffitt gave notice that he would, on some subsequent day of the session, introduce a bill to amend the common school law.

Mr. Rogers introduced

H. B. 23, To amend an act entitled "An act to organize Curry county.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of Journal of the House of Representatives of Oregon Territory, for Tuesday, Dec. 16th, 1856, as approved Wednesday, Dec. 17th, 1856.

D. C. DADE,

Chief Clerk House of Representatives.

WEDNESDAY, DECEMBER 17, 1856.

House met pursuant to adjournment.

Absent—Messrs. Avery, Bennett, Brown of Multnomah, Consor, Dryer, Harpole, Johnson, Miller, Rogers, Rose, and Underwood.

Prayer by the chaplain, Rev. Mr. Pearne.

Journal of yesterday read and approved.

Mr. Lovejoy, from joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, have carefully examined

H. B. 8, An act to change the name of Clara Hay,

And

H. B. 11, An act to incorporate Corinthian Lodge No. ——.

And also,

H. J. R's 4, 5, 6, and 7,

As truly enrolled.

Mr. Smith of Linn, moved to take from the table

H. B. 4, For relief of Nat. H. Lane, and refer the same to committee on the judiciary, with instructions to amend as follows:

By striking out in section 1, all after the word "allow," in the 3d line, to the word "for," after the word "Territory," in the 4th line, and inserting the following, to-wit:

To Nathaniel H. Lane, the sum of one hundred dollars.

Also amend section 2, by striking out 2d line, the following words, to-wit: "any sum which may be," and inserting the following, to-wit: "the sum of one hundred dollars which sum shall be."

On motion,

Adopted.

Mr. Harpole, on leave, introduced

H. B. 24, To provide for pay for extra service of prosecuting attorney of first judicial district.

Read first time.

Mr. Rogers introduced

H. B. 25, To amend an act entitled "An act to establish a pilotage at Coos Bay bar.

Read first time.

Mr. Smith of Linn, from the judiciary committee, to whom was referred H. B. 4, reported same back to the House with amendments, recommending its passage.

On motion,

Report was adopted.

On motion,

H. B. 4, ordered to a third reading, pending which,

A call of the House was made and sergeant-at-arms sent for absent members.

On motion,

Further call of the House was dispensed with.

Mr. Brown of Multnomah, moved H. B. 4, with amendments, be laid upon the table.

Adopted.

Mr. Smith of Linn, moved H. B. 24 be taken up.

On motion,

The rules were suspended and bill read second time.

Mr. Smith of Linn, moved H. B. 24, be referred to select committee of three.

Adopted.

Speaker appointed Messrs. Smith of Linn, Lovejoy, and Dryer.

Speaker announced he had signed,

H. J. R. 4, Relative to temporary adjournment,

H. J. R. 5, Relative to memorial to congress for appropriation for wagon road from Grand Ronde Indian Agency, to Tillamook Bay,

H. J. R. 6, Relative to a Territorial Library,

H. J. R. 7, Relative to Treasury Department at Washington,

H. B. 11, An act to incorporate Corinthian Lodge, No. ——,

H. B. 8, An act to change the name of Clara Hay.

Mr. Smith of Linn, offered the following motion, to-wit:

That the report of the Territorial Auditor be referred to a select committee of five, with instructions to examine the same with a view to ascertain what counties, if any, are delinquent in forwarding assessment returns, and in the payment into the Territorial Treasury of their respective quota of Territorial taxes. And also, what measures, if any, in their judgment, are necessary, on the part of Territorial officers, or of the Legislative Assembly, to insure a compliance with existing laws on the part of any county or counties, which may be found delinquent by failing or refusing to bear their equal proportion of the expenses of our Territorial government.

Adopted.

Speaker appointed Messrs. Smith of Linn, Starkweather, Gates, Berry, and Johnson, said committee.

H. B. 14, read a second time.

On motion,

Referred to standing committee on roads and highways.

H. B. 16, read second time.

Mr. Consor moved bill be referred to committee of the whole.

Lost.

On motion,

The House reconsidered refusal to refer H. B. 16, to committee of the whole.

On motion,

Bill was so referred.

On motion,

House resolved itself into

COMMITTEE OF THE WHOLE,

Mr. Smith of Linn, in the chair.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration H. B. 16, they beg leave to report the same back to the House and ask leave to sit again.

Report adopted.

Mr. Dryer offered the following preamble and resolution:

WHEREAS, a sanguinary war between the Indians and white settlers of Oregon and Washington Territories, has existed during the last eighteen months, which war was simultaneously commenced by the different Indian tribes north, south, east, and west, which, though partially closed at the south, still exists in the north and east. The theater of the glorious achievements of our gallant volunteers being now in possession of the enemy. In such a crisis it behooves every citizen to stand by his country and its authorities, both national and territorial, and use all the means in his power to bring this war to a speedy close. To accomplish this end, it is important to the country, that the people should be put in possession of all the information necessary to arrive at correct and proper conclusion; therefore,

Resolved, That the Governor of Oregon be respectfully requested to communicate at his earliest convenience, to this House, copies of all correspondence between himself and any of the officers of the U. S. army, in relation to this war, and especially any and all correspondence with Gen. John E. Wool, understood to be commander-in-chief of the U. S. army on the Pacific coast, and also, all correspondence between him and the President or other officers, subordinate or otherwise, of the United States.

Adopted.

On motion,

House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Consor introduced

H. B. 26, To incorporate Jefferson Institute.

Read first time.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the president to inform you that the Council concurred in House amendment to C. B. 3; also, H. B. 13, passed the Council without amendment, and herewith transmit the same to the House.

Mr. Lovejoy introduced

H. B. 27, To amend an act entitled "An act to provide for the sale of common school lands of the Territory of Oregon."

Read first time.

On leave of the House, committee on engrossed bills, were permitted to examine and report upon H. B. 9, during sitting of the House.

Mr. Consor, chairman of committee on engrossed bills, reported H. B. 9, as truly engrossed.

Read third time, pending which,

A call of the House was made and sergeant-at-arms sent for absent members.

On motion,

Further call of the House was dispensed with.

The question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas— Messrs. Allen, Barr, Berry, Collard, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffit, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, and Speaker—22.

Nays—Messrs. Brown of Linn, Brown of Multnomah, Cochran, Consor, Munroe, and Welch—6.

So the bill passed.

H. B. 15, read second time.

Mr. Consor moved bill be considered engrossed and ordered to a third reading on 7th day of January, 1857.

Mr. Shuck moved to lay the bill upon the table.

Lost.

Mr. Allen moved to indefinitely postpone the same.

Lost.

Mr. Dryer moved to amend original motion by inserting,

To a third reading now.

Lost.

The question recurring upon the original motion,

Which was adopted.

Mr. Smith of Linn, introduced the following:

H. J. R. 8, *Be it resolved by the House, the Council concurring*, That an examining committee of two on the part of the House, and one on the part of the Council, be and they are hereby appointed, whose duty it shall be to visit and examine during the vacation or between the 19th inst. and the 5th proximo, the Territorial Penitentiary situated in the town of Portland, to thoroughly, minutely, and faithfully examine the progress of the work upon the same, its present condition, &c., and report fully their observation, together with their views and recommendations to the Legislature, on the re-assembling of the same.

Adopted.

Mr. Welch, chairman of the committee on roads and highways, to whom was referred H. B. 14, reported same back to the House, with the following amendment:

Add after the words, "John Day's river," first section, fourth line, "or crossing of the emigrant road."

Report adopted.

On motion,

The bill ordered to be engrossed and read third time to-morrow.

Mr. Moffitt introduced,

H. B. 28, To enable certain half-breed Indians to acquire citizenship in this Territory.

Read a first time.

On motion,

House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Wednesday, Dec. 17, 1856, as approved by the House, Dec. 18, 1856.

D. C. DADE,

Chief Clerk of the House of Representatives.

THURSDAY, DECEMBER 18, 1856.

House met pursuant to adjournment.

Absent—Messrs. Avery, Berry, Consor, Rogers, and Rose.

Prayer by the chaplain, Rev. Mr. Leslie.

Journal of yesterday read and approved.

Mr. Allen presented the petition of Josiah Taylor and others, citizens of Yamhill county, relative to hogs running at large.

Mr. Shuck moved the petition be referred to committee on ways and means.

Mr. Smith of Linn, moved to refer to a select committee of five.

Adopted.

The Speaker appointed Messrs. Consor, Allen, Brown of Linn, Rose, and Miller, said committee.

Mr. Walker presented the petition of A. M. Belt and others, relative to a repeal of the Free Ferry charter at Salem.

On motion,

Referred to the committee on roads and highways.

Mr. Cochran presented the petition of citizens of Lane county, relative to a change of the territorial road.

On motion,

Referred to the committee on roads and highways.

Mr. Lovejoy, from the joint committee on enrolled bills, reported the following, truly enrolled:

H. B's 1 and 5.

H. B. 17, was read a second time.

On motion,

The rules were suspended, bill considered engrossed, read a third time and passed.

H. B. 18, read a second time.

On motion,

The rules were suspended, bill considered engrossed, read a third time and passed.

H. B. 19, read a second time.

On motion,

Referred to committee on roads and highways.

Mr. Avery moved H. B. 7, be taken from the table.

Mr. Smith of Linn, offered the following:

R. 18, *Resolved*, That a select committee of three be appointed, to whom shall be referred H. B. 7, and also the report of the commissioners of the penitentiary, with instructions to examine the same and report to this House at an early period, after the re-assembling of the Legislative Assembly, subsequent to the holidays, what action if any is necessary on the part of the Legislature to insure the best interests of the penitentiary, the safety, health, and most profitable labor of the convicts.

Adopted.

Speaker appointed said committee, Messrs. Smith of Linn, Lovejoy, and Moffitt.

On motion of Mr. Smith, of Linn,

Territorial Auditor's certificate was referred to the same committee.

Mr. Smith of Linn, moved H. B. 4, be taken from the table.

Pending which a call of the House was made.

On motion,

A further call was dispensed with.

Question recurring upon the motion to take from the table,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Berry, Brown of Linn, Cochran, Conser, Gates, Matthews, Miller, Moffitt, Ray, Rogers, Rose, Smith of Linn, and Speaker—14.

Nays—Messrs. Avery, Barr, Bennett, Brown of Multnomah, Collard, Harpole, Lovejoy, Munroe, Shuck, Smith of Jackson, Starkweather, Underwood, Walker, and Welch—14.

So the bill was not taken from the table.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit H. B. 10, which has passed the Council without amendment.

Speaker announced he had signed H. B's 1 and 5.

AFTERNOON SESSION.

Mr. Bennett introduced

H. B. 29, To incorporate Corvallis Lodge No. ——.

Read first time.

Mr. Smith of Linn, introduced

H. B. 30, To amend an act entitled "An act relating to assessors."

Read first time.

Mr. Consor, from committee on engrossed bills, reported H. B. 14, as truly engrossed.

Read third time and passed.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I herewith transmit H. B's 8 and 11; also, H. J. R's 4, 5, 6, and 7, which have been signed by the President of the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed to inform you by the president of the Council, that H. J. R. 8, has been concurred in and Mr. O'Bryant has been appointed on the part of the Council on said resolution.

Also, memorial to congress for mail route from Portland to Dalles, has been concurred in.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the president of the Council, I herewith transmit for your signature, the within closed acts:

1. To incorporate the DesChutes Bridge Company;
2. To incorporate Eugene City Lodge No. 11;
3. To provide for taking the sense of the people for or against the formation of a State government.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to inform you that the Council has passed H. B's 9 and 24, and transmit the same to the House.

The Speaker announced he had signed three several bills of the Council:

1. An act to incorporate the DesChutes Bridge Company;
2. An act to incorporate Eugene City Lodge No. 11;
3. An act to provide for taking the sense of the people for or against the formation of a State government.

Mr. Rogers offered the following H. J. R. 9:

WHEREAS, certain representations have been made to this House touching the expediency of service being supplied to the mail route leading from Port Orford to Umpqua City, and considering that some five hundred citizens are wholly without mail facilities, in consequence of the absence of such service; therefore,

Resolved by the House, the Council concurring, That the wants of citizens, as represented, are fully appreciated, and in our opinion, substantial justice demands, that the department take immediate action in this matter to the end that mail service be speedily put upon said route.

Adopted.

Mr. Miller offered memorial to commissioners of general land office, relative to Table Rock Reserve.

Adopted.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Thursday, 18th December, 1856, as approved by said House.

D. C. DADE,

Chief Clerk House Representatives.

FRIDAY, DECEMBER 19, 1856.

House met pursuant to adjournment.

Absent—Messrs. Bennett, Brown of Multnomah, Cochran, Dryer, Gates, Johnson, Miller, Moffitt, Munroe, Rose, Shuck, Starkweather, and Welch.

Prayer by the chaplain, Rev. Mr. Selwood.

Journal of yesterday read and approved.

Mr. Consor, from committee to whom was referred petition to change territorial road leading from Humphrey's ferry to Albert Davidson's, made report by following,

H. B. 31, To change territorial road in Marion county.

Read a first time.

On motion,

The House adjourned to meet on the 5th day of January next.

I certify the foregoing is a true and correct journal of the House of Representatives of Oregon Territory, for Saturday, Dec. 19, 1856, approved by the House, Jan. 5, 1857.

D. C. DADE,
Chief Clerk of the House of Reps.

MONDAY, JANUARY 5, 1857.

The House met pursuant to adjournment.

Present—Messrs. Allen, Barr, Berry, Brown of Multnomah, Collard, Dryer, Gates, Matthews, Moffitt, Rose, Smith of Linn, Smith of Jackson, Underwood, and Speaker.

Prayer by the chaplain, Rev. Mr. Dickinson.

House journal of the 19th ult., read and approved.

Mr. Dryer presented petition of H. Seymour and others, to incorporate Samaritan Lodge No. 2, of Independent Order of Odd Fellows, at Portland, Oregon Territory.

On motion,

Referred to committee on corporations.

Mr. Dryer presented petition of Israel Mitchell for survey of road known as meridian road from Portland to Salem.

On motion,

Referred to committee on roads and highways.

Mr. Dryer presented petition of Col. King, relating to expenditures on the penitentiary.

On motion,

Referred to select committee of three.

Mr. Smith of Linn, chairman of said committee.

Mr. Smith of Linn, presented petition of J. P. Tate and others, to incorporate the Albany Library and Literary Institute.

On motion,

Referred to select committee of one.

The Speaker appointed Mr. Smith of Linn, said committee.

Mr. Brown of Multnomah, presented memorial of Luther T. Woodward and others, to submit the question of a prohibitory liquor law to the people of Oregon Territory, at next annual election.

On motion,

Was referred to select committee of three.

The Speaker appointed as said committee, Messrs. Brown of Multnomah, Bennett, and Underwood.

Mr. Brown of Multnomah, presented petition of the commissioners of Multnomah county, for power in board of county commissioners to establish rates of ferriage for such ferries as were established prior to 27th of January, 1854.

On motion,

Referred to committees on roads and highways.

Mr. Smith of Linn, introduced, on leave,

H. B. 32, An act to establish Montville Institute.

Read first time.

Mr. Dryer presented

H. B. 33, An act to incorporate the Portland Lyceum,

Read first time.

On motion,

Rules suspended, bill read second time, and referred to committee on corporations.

H. B. 20, read second time.

On motion,

Referred to committee on corporations.

H. B. 21, read second time.

On motion,

Referred to committee on roads and highways.

H. B. 23, read second time.

On motion,

Referred to committee on counties.

H. B. 25, read second time.

On motion,

Ordered to be engrossed and read third time to-morrow.

H. B. 26, read second time.

On motion,

Ordered to be engrossed and read a third time to-morrow.

H. B. 27, read second time.

On motion,

Laid on the table.

H. B. 28, read second time.

On motion,

Referred to select committee of three.

The Speaker appointed Messrs. Moffitt, Collard, and Rose said committee.

H. R. 29, read second time.

On motion,

Ordered to be engrossed and read third time to-morrow.

H. B. 30, read second time.

On motion,

Referred to committee of the whole.

H. B. 31, read second time.

On motion,

Referred to committee on roads and highways.

On motion of Mr. Avery,

House resolved itself into

COMMITTEE OF THE WHOLE,

For consideration of H. B. 16.

Mr. Avery in the chair.

After some time spent therein, committee rose and reported back to the

HOUSE OF REPRESENTATIVES,

H. B. 16, without recommendation.

On motion of Mr. Smith of Linn,

To lay H. B. 16 on the table.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Berry, Cochran, Gates, Matthews, Miller, Rogers, Rose, Smith of Linn, Underwood, and Speaker—10.

Nays—Messrs. Allen, Avery, Barr, Bennett, Brown, of Multnomah, Collard, Moffitt, Smith, of Jackson—8.

So the bill was laid on the table.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

I herewith transmit H. B's 22 and 14, which have passed the Council; also, H. B. 17, and H. M. and J. R. 9, have passed; also, H. B's 1 and 5, have been signed by the President of the Council.

Mr. Rogers presented memorial of citizens of Curry county, remonstrating against the payment of any portion of the debt of Coos county.

On motion,

Referred to standing committee on counties.

Mr. Dryer gave notice of his intention to introduce a bill making it an offense to induce or decoy seamen from the employ of their masters, or to harbor deserting seamen.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of Journal

of the House of Representatives of Oregon Territory, for Monday, Jan. 5th, 1857, as approved Tuesday, Jan. 6th, 1857.

D. C. DADE,
Chief Clerk House of Representatives.

TUESDAY, JANUARY 6, 1857.

House met pursuant to adjournment.

Absent—Messrs. Avery, Bennett, Brown of Linn, Consor, Dryer, Harpole, Rose, Starkweather, and Walker.

Prayer by the chaplain, Rev. Mr. Hines.

The proceedings of yesterday read and improved.

Mr. Smith of Linn, presented petition of R. B. Willoughby and 103 others, citizens of Linn county, asking for the passage of a law to restrain certain stock from running at large.

On motion,

Referred to committee on judiciary.

Mr. Avery presented petition of citizens of Benton county, asking for a territorial road commencing at Robert Grimsly's, to intersect the territorial road from Eugene City to Corvallis.

On motion,

Referred to committee on roads and highways.

Mr. Avery presented petition of board of county commissioners of Benton county, in relation to the repeal of an act entitled "An act to locate a territorial road from Boonville, in Benton county, via. Bundies' Bridge, on Long Tom, to Eugene City, in Lane county.

On motion,

Referred to standing committee on roads and highways.

Mr. Lovejoy presented petition of Wm. C. Dement and others, citizens of Clackamas county, praying for territorial road from Oregon City, by way of Dayton, to Corvallis.

On motion,

Referred to committee on roads and highways.

Mr. Brown of Multnomah, presented petition of Thos. H. Crawford and others, asking that the question of liquor traffic be submitted to a vote of the people.

On motion,

Referred to the select committee of three, of which Mr. Brown of Multnomah, was appointed chairman.

Mr. Lovejoy presented petition of J. A. Pownell and 75 others, asking for a law to prevent attorneys and counsellors at law giving evidence in certain cases.

On motion,

Referred to judiciary committee.

Mr. Lovejoy presented petition of Jas. M. Moore and 25 others, asking for territorial road from Oregon City to Hillsborough.

On motion,

Referred to committee on roads and highways.

Mr. Brown of Linn, presented petition of Z. Dennell and 31 others, citizens of Linn county, asking for a law to prevent swine from running at large.

On motion,

Was referred to select committee on swine, of which Mr. Consor is chairman.

Mr. Dryer moved to reconsider motion to refer petition of R. B. Willoughby and others, in regard to restraining cattle from running at large.

Adopted.

On motion,

Referred to select committee on swine, of which Mr. Consor was appointed chairman.

Mr. Consor, from committee on engrossed bills, reported,

H. B's 38, 25, 26, and 29, as truly engrossed.

Mr. Smith of Linn, from select committee on Auditor's report, made report by following,

H. B. 34, Relating to county auditors.

Read first time.

H. B. 35, For relief of certain creditors of the Territory.

Read first time.

H. B. 36, To provide for assessing an extra tax of one-half mill upon the counties of Multnomah, Douglas, and Tillamook.

Read first time.

On motion,

The report, with accompanying bills, were laid upon the table and ordered to be printed.

Mr. Smith of Linn, chairman of select committee, appointed to draft memorial to congress, asking military protection on overland route to Oregon, reported by memorial.

Which was read and adopted.

Mr. Smith of Linn, offered

H. J. R. 10, Relative to late Indian war in Oregon Territory.

Mr. Shuck moved to lay the resolution on the table, and 500 copies ordered printed.

Lost.

Mr. Lovejoy moved resolutions be ordered to be printed and made special order of the day for Monday next.

Adopted.

H. B. 25, To establish a pilotage at Coos Bay Bar.

Read third time and passed.

H. B. 26, read third time, pending which,

Mr. Consor moved bill be referred to select committee, with instructions to amend by inserting J. L. Miller instead of S. L. Miller.

H. B. 26, reported back to the House with amendment, and passed.

On motion of Mr. Lovejoy,

The Governor's message was taken up and read and its several subjects referred to the appropriate standing committees of the House.

On motion of Mr. Lovejoy,

Librarian's report was referred to the standing committee on education.

The Speaker presented communication of Penitentiary Commissioners in response to a resolution of the House.

On motion,

Referred to the select committee on Penitentiary Commissioners' report.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Lovejoy introduced the following resolution:

Resolved, That the House change the hour of meeting in the forenoon, so as to meet at 10 o'clock, instead of nine.

Adopted.

Mr. Avery introduced

H. B. 37, To extend the time for opening roads.

Read first time.

Mr. Johnson moved House adjourn.

Lost.

Mr. Smith of Linn, presented petition of H. K. King and 90 others citizens of Linn county, remonstrating against petition asking for change of territorial roads from Salem to McDonald's ferry.

On motion,

Referred to the commitiee on roads and highways.

Mr. Gates, on leave of the House, introduced

H. B. 38, To revive an act entitled "An act to locate and establish a territorial road."

Read first time.

Mr. Grtes presented petition of citizens of Oregon Territory, relative to memorializing congress in regard to the widow and heirs of Thos. Jeffries, deceased.

On motion,

Referred to select committee of three.

Speaker appointed Messrs. Gates, Shuck, and Smith of Linn, said committee.

Mr. Avery presented petition of Wm. Wilson.

On motion,

Referred to judiciary committee.

On motion,

House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Tuesday, Jan. 6, 1857, as approved by the House, Jan. 7, 1857.

D. C. DADE,

Chief Clerk of the House of Representatives.

WEDNESDAY, JANUARY 7, 1857.

The House met pursuant to adjournment.

Absent—Messrs. Bennett, Brown of Multnomah, Consor, Dryer, Harpole, Miller, and Walker.

Prayer by the chaplain, Rev. Mr. Leslie.

Journal of yesterday read and approved.

Mr. Johnson presented petition of M. R. Barnum and others, in relation to a re-location of a portion of territorial road from Champoeg to Portland.

On motion,

Referred to the committee on roads and highways.

Mr. Smith of Linn, chairman of judiciary committee, to whom was referred petition of J. A. Pownell and others, reported the same back to the House with a recommendation that the prayer be not granted.

Adopted.

Mr. Smith of Linn, chairman of judiciary committee, to whom was referred petition of Wm. Wilson, made report by

H. B. 39, To change the name of Wm. Wilson.

Read a first time.

Mr. Lovejoy, chairman of standing committee on enrolled bills reported

H. B's 9, 10, and 13.

Also,

H. M., For mail service from Portland to Dalles.

Also,

H. M., To congress for repeal of an act passed the 16th August, 1856.

And also,

H. J. R. 8, Relative to penitentiary committee.

Mr. Bennett, chairman of the standing committee on counties, to whom was referred H. B. 23, reported the same back to the House with amendment.

Bill ordered to be engrossed.

Mr. Welch, chairman of the committee on roads and highways, to

whom was referred H. B. 21, reported the same back to the House with amendments.

Which was adopted.

Bill ordered to be engrossed.

Mr. Welch, from committee on roads and highways, to whom was referred petition of Cyrus Condit and others, praying for change of portion of territorial road from Salem to McDonald's ferry, reported they had had the same under consideration and recommend that prayer be not granted.

Adopted.

Mr. Welch, chairman of the committee on roads and highways, to whom was referred H. B. 31, reported the same back to the House without recommendation.

Mr. Smith of Linn, to whom was referred petition of J. P. Tate and others, made report by

H. B. 40, To incorporate Albany Library and Literary Society.

Read first time.

Mr. Lovejoy moved the rules be suspended and leave be granted Mr. Berry, to introduce a bill, pending which,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Berry, Brown of Linn, Consor, Gates, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Underwood, Welch, and Speaker—18.

Nays—Messrs. Allen, Barr, Bennett, Brown of Multnomah, Collard, Cochran, Shuck, Smith of Jackson, and Starkweather—9.

So the rules were suspended.

H. B. 32, read second time, ordered to be engrossed, and read a third time to-morrow.

Mr. Speaker announced he had signed,

H. M., For mail service from Portland to Dalles.

Also,

H. M., To congress for repeal of an act of congress of Aug. 16, 1856.

Also,

H. B. 13, To organize the militia.

Also,

H. B. 9, To incorporate Willamette woolen manufacturing Co.,

Also,

H. B. 8, To relocate a portion of territorial road from Albany, in Linn county, to Drift Creek, in Marion county.

Also,

H. J. R. 8, Relative to joint committee appointed to examine penitentiary.

Mr. Avery moved rules be suspended and leave granted Mr. Smith of Jackson, to introduce a bill.

Withdrawn.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Berry, in accordance with leave granted by the House, introduced

H. B. 41, To tax Chinamen.

Read first time.

Mr. Smith of Jackson, moved rules be suspended and leave granted nim to introduce a bill.

Withdrawn.

Mr. Smith of Linn, renewed motion.

Withdrawn.

Mr. Shuck renewed motion to suspend rules, pending which,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Consor, Gates, Johnson, Miller, Moffitt, Munroe, Ray, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, Welch, and Speaker—23.

Nays—Messrs. Lovejoy, Matthews, Rogers, and Rose—4.

So the rules were suspended and thereupon.

Mr. Smith of Jackson, introduced

H. B. 42, To provide for the taxation and protection of Chinamen engaged in mining in Oregon Territory.

Read first time.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the president of the Council, I herewith transmit C. B. 6, which has passed the Council and ask concurrence in same; also, H. B's 18 and 29, have passed the Council and transmit the same to the House.

Also,

H. M., To congress, asking for an appropriation for military road from Astoria to Salem, has been concurred in by Council.

C. B. 6, To prevent negroes and mulattoes coming to or residing in Oregon Territory.

Read first time.

Mr. Johnson gave notice that, on some subsequent day of the session, he would introduce a bill to incorporate Portland and Dayton Plankroad Company.

Mr. Brown of Multnomah, moved House adjourn.

Mr. Shuck moved to amend by adding, "until the 9th inst."

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Berry, Consor, Moffitt, Rogers, Rose, Shuck, and Speaker—7.

Nays—Messrs. Allen, Avery, Barr, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Gates, Johnson, Lovejoy, Matthews, Miller, Munroe, Ray, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, and Welch—21.

So the amendment was not adopted.

The question recurring upon the original motion,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Brown of Multnomah, Collard, Gates, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rose, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, and Speaker—20.

Nays—Messrs. Bennett, Brown of Linn, Cochran, Consor, Johnson, Rogers, Shuck, and Welch—8.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Jan. 7th, 1857, as approved by said House, Jan. 8th, 1857.

D. C. DADE,
Chief Clerk House Representatives.

THURSDAY, JANUARY 8, 1857.

House met pursuant to adjournment.

Absent—Messrs. Bennett, Brown of Multnomah, Dryer, Harpole, and Starkweather.

Prayer by the chaplain, Rev. Mr. Selwood.

Journal of yesterday read and approved.

Mr. Cochran presented petition of citizens of Umpqua and Lane counties, to strike off a portion of Umpqua county and attach the county of Lane.

Read first time.

On motion,

Referred to standing committee on counties.

Mr. Welch presented petition of B. F. Birch and other citizens of Polk county, to change portion of territorial road from Doak's ferry to Corvallis.

On motion,

Referred to standing committee on roads and highways.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition of A. M. Belt and others, reported the same back to the House with accompanying

H. B. 43, To repeal an act entitled "An act to incorporate the Polk and Marion county free ferry company."

Read first time.

Mr. Berry, chairman of committee on corporations, to whom was referred H. B. 33, reported same back to the House recommending its passage.

Also,

H. B. 20, with the following amendments, to-wit:

Amend section 2, as follows:

"Then east, following the southern boundary, to the south-east corner of said claim, then north on a straight line to."

Amend line 22, on 3d page, section 4, as follows:

In the place of "and docks," in the same line insert "docks and bridges."

Which were adopted.

Mr. Consor offered the following amendment:

Insert in the 6th section and 6th line, after the word "property," "in said city."

Adopted and bill ordered to be engrossed.

Mr. Lovejoy, from the committee on enrolled bills, reported

H. B's 14, 17, 22, and 24.

Also,

H. M. To the commissioners of the general land office, relative to Table Rock Reserve.

Also,

H. J. R. 9, Relative to mail service from Port Orford to Umpqua City,

As truly enrolled.

H. B. 33 was taken up and,

On motion,

Laid on the table and ordered to be printed.

H. B. 34, was read a second time, ordered engrossed, and read a third time to-morrow.

H. B. 35, read second time.

On motion,

Referred to standing committee on claims.

H. B. 37, read second time.

Ordered to be engrossed and read a third time to-morrow.

H. B. 36, read a second time.

On motion,

Referred to committee of the whole.

C. B. 6, read second time by title.

On motion,

Referred to committee of the whole.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit H. B's

9, 10, and 13, which have been signed by the President of the Council.

Also,

H. J. R. 8, and

H. M., To congress asking for mail service from Portland to Dalles, in Wasco county,

Also,

H. M. To congress asking for repeal of an act congress of Aug. 16th, 1856,

Have been signed by the President.

Also,

C. J. R. 1, Instructing our delegate in congress to secure further donation of university lands,

Has been adopted by the Council and request concurrence of House in same; and

H. B. 26, has passed the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit H. B. 25, which has passed the Council.

Mr. Smith of Linn, moved

House resolve itself into

COMMITTEE OF THE WHOLE,

For consideration of C. B. 6.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration C. B. 6, they beg leave to report the same back to the House and ask leave to sit again.

On motion,

The House adjourned to meet Friday morning, at 10 o'clock.

I certify the foregoing is a true and correct journal of the House of Representatives of Oregon Territory, for Thursday, Jan. 8, 1857, approved by the House, Jan. 9, 1857.

D. C. DADE,

Chief Clerk of the House of Reps.

FRIDAY, JANUARY 9, 1857.

House met pursuant to adjournment.

Absent—Messrs. Bennet, Collard, Cochran, Consor, Dryer, Gates, Harpole, Miller, Rogers, Rose, Smith of Linn, Smith of Jackson, and Starkweather.

Prayer by the chaplain, Rev. Mr. Pearne.

Journal of yesterday read and approved.

Mr. Shuck presented petition of G. B. Danna and others, relative to the liquor traffic.

On motion,

Referred to select committee on that subject.

Mr. Walker presented petition of J. K. Morris and others, in reference to amendment of free ferry charter.

On motion,

Referred to committee on roads and highways.

Mr. Mann, presented petition of J. B. Ferguson and others.

On motion,

Referred to committee on roads and highways.

Mr. Consor, chairman of committee on enrolled bills, reported, H. B's 21, 23, 31, and 32, as truly engrossed.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition of citizens of Benton county, made report by accompanying

H. B. 44, To relocate a portion of the territorial road from Boonville, in Benton county, to Eugene City, in Lane county.

Read first time.

H. B. 21, read third time and passed.

H. B. 23, read third time and passed.

H. B. 31, read third time and passed.

H. B. 32, read third time and passed.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I transmit H. M. 1, which has been adopted with an amendment, viz:

Strike out all after the words "self preservation," to the words "in conclusion," on 4th page, printed copy.

And request the concurrence of the House in the amendment.

Mr. Moffitt presented report of war claim commissioners.

Read, and

On motion,

Laid on the table and 100 copies ordered to be printed.

Mr. Johnson introduced

H. B. 45, To incorporate Portland and Dayton Plankroad Co."

Read a first time.

The Speaker announced he had signed,

H. B's No. 14, 17, 22, and 24,

H. M., Relative to Table Rock Reserve.

And H. J. R. 9.

Mr. Consor moved

The House resolved itself into

COMMITTEE OF THE WHOLE,

For further consideration of C. B. 6.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration C. B. 6, they beg leave to report the same back to the House with a recommendation that it do not pass.

On motion,

The House adjourned.

AFTERNOON SESSION.

C. J. R. 7, was taken up and read, pending which,

A call of the House was made,

Messrs. Bennett, Dryer, Harpole, Johnson, and Smith of Linn, being absent.

All members appearing except Mr. Harpole,

Further call of the House was dispensed with.

The question recurring on the motion to indefinitely postpone C. J. R. 7,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Collard, Cochran, Gates, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rose, Smith of Linn, Starkweather, Walker, and Welch—14.

Nays—Messrs. Allen, Avery, Barr, Bennett, Brown of Linn, Brown of Multnomah, Consor, Dryer, Johnson, Rogers, Shuck, Smith of Jackson, Underwood, and Speaker—15.

So the motion was lost.

Mr. Rogers moved first "resolve" be stricken out of C. J. R. 7.

Mr. Gates moved to lay motion, together with resolution, on the table.

Lost.

Mr. Brown of Multnomah, moved motion to strike out first "resolve," be referred to the standing committee on education.

Adopted.

The Speaker laid before the House communication from the Governor, with accompanying documents, which were read, and

On motion of Mr. Starkweather,

Were laid on the table and 100 copies ordered to be printed.

Mr. Starkweather gave notice that he would, on some subsequent day of the session, introduce a bill to take the sense of the voters of this Territory, relative to the adoption or prohibition of slavery in their State Constitution.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of Journal of the House of Representatives of Oregon Territory, for Friday, Jan. 9th, 1857, as approved Saturday, Jan. 10th, 1857.

D. C. DADE,

Chief Clerk House of Representatives.

SATURDAY, JANUARY 10, 1857.

House met pursuant to adjournment.

Absent—Messrs. Avery, Gates, and Harpole.

Journal of yesterday read and approved.

Mr. Dryer presented petition of Hiram Smith and others.

On motion,

Referred to judiciary committee.

Mr. Underwood presented petition of Jas. R. Dodge and others, citizens of Umpqua county, relative to territorial road.

On motion,

Referred to committee on roads and highways.

Mr. Bennett, from the standing committee on counties, to whom was referred H. B. No. 12, reported the same back to the House with the following amendment:

Amend by adding after the words "Columbia river," in third line, "at or near the head of Bradford's Island."

On motion,

Report was adopted.

Mr. Consor, chairman of committee on engrossed bills, reported—H. B's 20, 34, and 37, as truly engrossed.

Mr. Lovejoy, from joint committee on enrolled bills, reported—H. B's 29 and 18.

And also,

H. M. To congress for appropriation for completion of military road from Astoria to Salem,

As truly enrolled.

Mr. Welch, chairman of committee on roads and highways, reported,

H. B. 46, To change portion of territorial road in Lane county.

Read a first time.

Also,

H. B. 47, To re-locate a portion of territorial road from Corvallis, in Benton county, to Winchester, in Douglas county.

Read first time.

Also,

H. B. 48, To locate a territorial road from Miller's ferry, in Washington county, to Portland, in Multnomah county.

Read first time.

Mr. Starkweather, chairman of standing committee on education, to whom was referred C. J. R. 1, reported the same back to the House with accompanying amendment, and without recommendation:

Amend by striking out all after the word "whereas," in the first line of the preamble, and insert the following:

The donation of lands made by congress to aid in the establishment of a university in Oregon, is considered inadequate to the purpose contemplated; therefore,

Resolved, That our delegate in congress is hereby requested to use his best endeavors to procure the passage of an act by congress making a further donation of two townships of land for said purpose, to be located after the formation of a State government, and within the boundaries of the future State of Oregon.

Mr. Moffitt, from select committee to whom was referred H. B 28, reported same back to the House without recommendation.

H. B. 44, read second time.

On motion,

Ordered engrossed and to a third reading to-morrow.

H. B. 39, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 40, read a second time by title.

On motion,

Considered engrossed and ordered to a third reading to-morrow.

H. B. 41, read second time.

On motion,

Referred to select committee of five.

Mr. Speaker appointed said committee, Messrs. Berry, Smith of Jackson, Smith of Linn, Rogers, and Gates.

H. B. 42, read second time.

On motion,

Referred to select committee on H. B. 41.

H. B. 45, read second time and referred to committee on corporations.

H. B. 43, read second time.

On motion,

Rules were suspended, bill read third time, and passed.

H. B. 20, read third time and passed.

H. B. 28, read third time.

The question being,

Shall the bill pass?

Pending which,

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Final passage of H. B. 28, still pending.

Question being,

Shall the bill pass?

During pendency of said bill,

Mr. Moffitt moved to refer H. B. 28 to committee of five, to modify the same and to insert the names of such half-breeds as citizenship shall be conferred upon.

Withdrawn.

Question recurred upon the final passage of the bill.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Barr, Consor, Dryer, Gates, Johnson, Lovejoy, and Moffitt—8.

Nays—Messrs. Allen, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Matthews, Miller, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, Welch, and Speaker—21.

Lost.

H. B. 33, read third time and passed.

H. B. 34, read third time.

On motion of Mr. Rogers,

Amended by inserting, first page, first section, 8th line said section, "sixty," instead of "thirty."

Bill as amended passed.

H. B. 37, read third time and passed.

C. B. 6, read third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Consor, Shuck, and Speaker—3.

Nays—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Dryer, Gates, Johnson, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Starkweather, and Underwood—23.

Lost.

C. J. R. 1, was read, with the following amendment, to-wit:

Strike out all after the word "whereas," in first line of preamble, and insert the following, to-wit:

The donation of lands made by congress to aid in the establishment of a university in Oregon, is considered inadequate to the purpose contemplated; therefore,

Resolved, That our delegate in congress is hereby requested to use his best endeavors to procure the passage of an act by congress making a further donation of two townships of land for said purpose, to be located after the formation of a State government, and within the boundaries of future State of Oregon.

Adopted.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to transmit C. B's 7 and 8, which have passed the Council.

Also,

H. B's 21 and 23, which have passed the Council.

Also,

C. B. 1, and ask the signature of the Speakor to it.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

I herewith transmit H. B's 14, 17, 22, 24,

H. J. R. 9; and

Memorial to land office commissioner,

Have been signed by the President.

Also,

H. B. 32, has passed the Council.

Mr. Smith of Linn, moved the House resolve itself into committee of the whole, for consideration of H. B. 30.

Lost.

C. B. 7, To grant Susannah V. Delarima a divorce.

Read first time.

C. B. 38, To incorporate the Adelphosophical Society.

Read first time.

H. J. R. 11, offered by Mr. Smith of Linn, to adjourn,

On motion,

Laid on the table.

On motion,

House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Jan. 10, 1857, as approved by the House, Jan. 12, 1857.

D. C. DADE,

Chief Clerk of the House of Representatives.

MONDAY, JANUARY 12, 1857.

The House met pursuant to adjournment.

Absent—Messrs. Avery, Bennett, Consor, Harpole, Matthews, Rogers, Smith of Linn, and Walker.

Prayer by the chaplain, Rev. Mr. Dickinsen.

Journal of Saturday read and approved.

Messrs. Lovejoy and Welch, asked leave of the House to record their votes in negative, on the question of the final passage of C. B. 6.

Granted.

Mr. Berry, chairman of standing committee on corporations, to whom was referred petition of H. Seymour and others, reported same back to the House with accompanying

H. B. 49, To incorporate Samaritan Lodge No. 2, of Odd Fellows, in the city of Portland, Oregon Territory.

Read first time.

Mr. Berry, chairman of standing committee on corporations, to whom was referred

H. B. 45, To incorporate Portland and Dayton Plankroad Co.;

Reported the same back to the House with the following amendments, recommending its passage:

In section 8, fill blank as follows:

For each horse, or mule, and rider, "twenty-five cents."

For each additional horse, mule, or ass, "ten cents."

For each one horse wagon, buggy, gig, or other carriage, "fifty cents."

For each wagon or other carriage drawn by one span of horses or mules, or one yoke of oxen, "one dollar."

For each additional span of horses or yoke of oxen, "fifty cents."

For each head of loose cattle, "ten cents.

For each hog, sheep, or goat, (lead or driven,) "five cents."

Mr. Moffitt, from joint committee appointed to visit and examine the penitentiary, made report.

Which was read, and

On motion,

Laid on the table and 100 copies ordered to be printed.

Mr. Berry, on leave, introduced

H. B. 50, To amend an act entitled "An act to regulate fees of certain officers and other persons."

Read first time.

Mr. Starkweather introduced

H. B. 51, Supplemental to an act entitled "An act relating to marriage and divorce."

Read first time.

Mr. Lovejoy, on leave, introduced

H. B. 52, To amend an act entitled "An act to incorporate the Tualatin river Transportation and Navigation Company."

Read first time.

Mr. Johnson, on leave, introduced

H. B. 53, To amend an act entitled "An act relating to common schools and school lands."

Read first time.

Mr. Matthews, on leave, introduced

H. B. 54, To locate a territorial road from Jacksonville, in Jack-

son county, to the California line, on or near the Crescent City trail, in Josephine county.

Read first time.

Mr. Starkweather introduced

H. B. 55, To amend an act entitled "An act for the relief of Clackamas, Washington, Columbia, Linn, Multnomah, and Yamhill counties."

Read first time.

Mr. Dryer presented memorial of penitentiary contractor.

Read, and

On motion,

Referred to select committee of three, heretofore appointed on subject of penitentiary commissioners' report.

Mr. Dryer moved report of joint committee appointed to visit and examine penitentiary be made special order of the day for Friday next.

Adopted.

H. B. 38, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 46, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 47, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 48, read second time.

Ordered engrossed and to a third reading to-morrow.

C. B. 7, read second time, and

On motion,

Referred to judiciary committee.

C. B. 8, read second time.

Ordered to a third reading to-morrow.

H. B. 40, read third time by title and passed.

H. J. R. 10, made special order of the day for to-day, was taken up, and

On motion,

Laid on the table.

H. B. 27, was,

On motion,

Taken from the table and referred to standing committee on education.

The Speaker announced he had signed,

H. M. To congress for appropriation for completion of military road from Astoria to Salem.

Also,

H. B. 29, To incorporate Corvallis Lodge No. —, of Free and Accepted Masons.

Also,

H. B. 18, Relating to roads and ferries.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Smith of Jackson, offered the following resolution:

Resolved by the House of Representatives, That the reporter of the Oregon Statesman, who is by courtesy, entitled to a seat on this floor, be requested to inform the House whether or not he reports for publication, the speeches of all the members of this body, or the substance thereof, and if not, his reasons therefor.

Withdrawn.

Mr. Dryer, on leave, introduced

H. B. 56, To consolidate and equalize the public taxes.

Read a first time.

Mr. Shuck offered the following,

H. J. R. 12, *Be it resolved by the House, the Council concurring,* That the Auditor of the Territory be instructed to audit the amount due Yamhill county, as per report of the Auditor of said county, and in accordance with the law upon that subject, that passed the Council, January 11th, and the House, Jan. 15th, 1856.

On motion of Mr. Brown of Multnomah,

Resolution was laid on the table.

Mr. Dryer, on leave, introduced

H. B. 57, To regulate the assessment and collection of taxes in the city of Portland.

Read first time.

Mr. Rose, on leave, introduced

H. B. 58, To establish the Umpqua Academy.

Read first time.

Mr. Lovejoy offered the following resolution:

Resolved by the House, the Council concurring, That there shall be a joint convention of both Houses of this Assembly, on Tuesday the 24th inst., at 2 o'clock, P. M., of said day, for the purpose of electing territorial and other officers made elective by the Legislative Assembly.

Adopted.

Mr. Moffitt gave notice that he would introduce a bill for the relief of James Ogle.

Mr. Avery, chairman of standing committee on claims, to whom was referred H. B. 35, reported the same back to the House without recommendation.

On motion,

House resolved itself into

COMMITTEE OF THE WHOLE,

For consideration of bills referred to that committee.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration H. B's 30 and 36, they beg leave to report the same back to the House without amendment.

On motion of Mr. Dryer,

H. B. 30, was referred to select committee of three.

The Speaker appointed Messrs. Dryer, Smith of Linn, and Rose, said committee.

On motion of Mr. Lovejoy,

H. B. 36, was laid on the table.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Jan. 12th, 1857, as approved by said House, Jan. 13th, 1857.

D. C. DADE,

Chief Clerk House Representatives.

TUESDAY, JANUARY 13, 1857.

House met pursuant to adjournment.

Absent—Messrs. Consor, Rogers, Smith of Linn, and Walker.

Prayer by the chaplain, Rev. Mr. Leslie.

Mr. Dryer presented petition of forty-nine citizens and ship merchants, relative to deserting seamen.

On motion,

Referred to standing committee on commerce.

Mr. Harpole presented petition for territorial road from Salem to Doak's ferry.

On motion,

Referred to committee on roads and highways.

Mr. Johnson presented petition of Wm. Garlick, relative to a divorce.

On motion,

Referred to a select committee of three.

The Speaker appointed Messrs. Johnson, Lovejoy, and Dryer, said committee.

Mr. Brown of Multnomah, presented petition relative to liquor traffic.

On motion,

Referred to select committee heretofore appointed on that subject.

Mr. Lovejoy presented petition relative to change of license law to sell spirituous liquors.

On motion,

Referred to select committee of three heretofore appointed on that subject.

Mr. Berry presented memorial to congress for an appropriation to defray expenses incurred by Indian War of 1854.

Adopted.

Mr. Dryer presented memorial of contractors for stone work on the penitentiary.

Read, and

On motion,

Referred to the select committee heretofore appointed on the subject of the penitentiary commissioners' report.

Mr. Welch presented petition from Hiram Smith and Wm. Purvine, asking compensation for opening territorial road from Grand Ronde, Polk county, to Tillamook Bay, in Tillamook county.

Read, and

On motion,

Referred to standing committee on claims.

Mr. Dryer, chairman of standing committee on commerce, to whom was referred petition of 49 citizens and ship merchants, reported the same back to the House with accompanying

H. B. 59, which was read first time.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition relative to territorial road from Salem to Portland, reported the same back to the House with accompanying

H. B. 60, To locate a territorial road from Salem to Portland.

Read first time.

Mr. Welch, from the same committee, to whom was referred petition of B. F. Birch and others, relative to change of territorial road, reported the same back to the House with accompanying

H. B. 61, To change territorial road in Polk county.

Read first time.

Mr. Underwood, from the committee on engrossed bills, reported H. B's 12, 35, 38, 39, 44, 46, 47, and 48, as truly engrossed.

Mr. Lovejoy, chairman of committee on enrolled bills, reported H. B's 25 and 26, as truly enrolled.

Mr. Smith of Linn, chairman of judiciary committee, to whom was referred C. B. 7, reported the same back to the House recommending its passage.

Mr. Brown of Linn, moved an additional number of two be appointed on the select committee to whom was referred H. B. 30.

The Speaker appointed Messrs. Brown of Linn and Collard.

H. B. 49, read second time.

Mr. Avery proposed following amendment:

Strike out Sec. 5, and insert the following:

Sec. 5. This act may be amended or repealed at the pleasure of the legislature.

Sec. 6. This act to take effect and be in force from and after it passage.

Amendment adopted.

On motion,

Ordered engrossed and to a third reading to-morrow.

H. B. 50, read a second tim.

Ordered engrossed and to a third reading to-morrow.

H. B. 51, read second time.

On motion,

Ordered engrossed and to a third reading to-morrow.

H. B. 52, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 53, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 12, read third time and passed.

H. B. 35, read third time, pending final passage of the bill.

On motion,

The House adjourned.

AFTERNOON SESSION.

The question being on the final passage of H. B. 35,

Mr. Brown of Multnomah, moved to recommit bill to the committee from which it originated.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Bennett, Brown of Multnomah, Shuck, Smith of Jackson, and Starkweather—7.

Nays—Messrs. Barr, Berry, Collard, Cochran, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Underwood, Welch, and Speaker—21.

So motion was lost.

Question recurring upon the final passage of the bill,

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Avery, Barr, Berry, Collard, Cochran, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Welch, and Speaker—24.

Nays—Messrs. Allen, Bennett, Brown of Multnomah, and Shuck—4.

So the bill passed.

H. B. 38, read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Consor, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Starkweather, Underwood, and Speaker—27.

Nays—Messrs. Shuck and Welch—2.

So the bill passed.

H. B. 39, read third time and passed.

H. B. 44, read third time and passed.

H. B. 46, read third time and passed.

H. B. 47, read third time and passed.

The title of H. B. 47,

On motion,

So amended as to correspond with the body of the act.

H. B. 48, read third time and passed.

C. B. 7, read third time and passed.

C. B. 8, read third time and passed.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit H. B's 12 and 13, which have passed the Council.

Also,

H. B's 31 and 40, have passed the Council.

Also, Council has concurred in House amendment to

C. J. R. 1 and H. B's 18, 29, 32, and H. M., have been signed by the President of the Council, and request concurrence by the House in the same.

C. B. 11, read first time.

C. B. 12, read first time.

C. B. 13, read first time.

The Speaker announced he had signed,

H. B's 25 and 26.

Mr. Consor, on leave, introduced

H. B. 62, For the relief of Wilie Chapman.

Read first time.

Mr. Rogers, on leave, introduced

H. B. 63, To provide for the payment of the expenses of the special election held the first Monday in October 1856.

Read a first time.

Mr. Johnson, on leave, introduced

H. B. 64, To amend an act entitled "An act relating to parent and child, guardian, and ward, and to masters, apprentices, and servants."

Read first time.

Mr. Barr, on leave, introduced

H. B. 65, To incorporate the Rainier, working mens' educational and benevolent society.

Read a first time.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Jan. 13th, 1857, as approved by said House, Jan. 14th, 1857.

D. C. DADE,

Chief Clerk House Representatives.

WEDNESDAY, JANUARY 14, 1857.

House met pursuant to adjournment.

Prayer by the chaplain, Rev. Mr. Selwood.

Journal of yesterday read, corrected, and approved.

Mr. Dryer presented sundry petitions of citizens of Portland, and also, from the ladies of the same place, and also, of Joseph Pearl and others, on the subject of submitting the liquor traffic to a vote of the people.

On motion,

Referred to select committee of three, heretofore appointed on that subject.

Mr. Brown of Multnomah, presented memorials and petitions of citizens of the Territory on the subject of liquor traffic.

On motion,

Referred to select committee of three, heretofore appointed on same subject.

Mr. Smith of Linn, presented petition of John J. Crabtree, and other citizens of Linn county, relative to mail service.

Mr. Dryer moved petition be referred to select committee of three.

Adopted.

The Speaker appointed Messrs. Smith of Linn, Lovejoy, and Avery, said committee.

Mr. Smith of Linn, chairman of judiciary committee, to whom was referred claim of Hiram Smith, of Portland, reported the same back to the House, recommending that the claim, with the exception of interest thereon be paid.

Report received.

Mr. Consor, chairman of committee on engrossed bills, reported, H. B's 45, 49, 50, 51, 52, and 53, as truly engrossed.

Mr. Lovejoy, chairman of committee on enrolled bills, reported, H. B's 21 and 23, as truly enrolled.

Mr. Consor, chairman of select committee, to whom was referred sundry petitions on the subject of swine running at large, made report by

H. B. 66, To restrain swine from running at large.

Read first time.

Mr. Shuck moved bill be indefinitely postponed.

Withdrawn.

Mr. Consor, chairman of select committee, to whom was referred petition of citizens of Linn county, relative to restraining certain cattle running at large, reported the same back to the House recommending its further reference to the judiciary committee.

Report received.

H. B. 54, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 55, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 56, read second time.

On motion,

Referred to select committee of five, heretofore appointed on the subject of assessment.

H. B. 57, read second time.

On motion,

Referred to select committee of three.

The Speaker appointed Messrs. Dryer, Brown of Multnomah, and Barr, said committee.

H. B. 58, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 59, read second time.

On motion,

Referred to committee of the whole.

H. B. 60, read second time.

Mr. Johnson moved

Bill be considered engrossed and ordered to a third reading to-morrow.

Mr. Brown of Multnomah, moved to refer bill to select committee.

Withdrawn.

The question recurring upon the original motion,

Which was adopted.

C. B. 11, read second time.

Ordered engrossed and to a third reading to-morrow.

On motion of Mr. Lovejoy,

The House adjourned.

AFTERNOON SESSION.

C. B. 12, read second time.

On motion,

Referred to committee of the whole.

C. B. 13, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 45, read third time and passed.

H. B. 49, read third time and passed.

H. H. 50, read third time and passed.

H. B. 51, read third time, pending the final passage of which,

Mr. Gates moved bill be laid on the table.

Adopted.

H. B. 52, read third time and passed.

H. B. 53, read third time and passed.

Mr. Shuck moved H. J. R. 12, be taken from the table.

Withdrawn.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I transmit H. B. 20, which has passed the Council.

Also,

H. M. To congress for pay of volunteers, &c.,

Has been adopted by the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the president of the Council, I herewith transmit H. B. 25 and 26, which have been signed by the President.

Also,

H. B's 12, 33, and 47, with amendments to H. B's 33 and 47, which have passed the Council, and

C. B. 7, has passed Council and request concurrence of the House.

On motion,

Amendments to H. B's 33 and 47, concurred in.

C. B. 9, read first time.

Mr. Moffitt introduced

H. B's 67, For relief of James Ogle.

Read first time.

Mr. Moffitt presented papers relating to claim of T. W. Beale.

On motion,

Referred to committee for claims.

Mr. Avery introduced

H. B. 68, To establish Corvallis Institute.

Read first time.

Mr. Consor, on leave, introduced

H. B. 69, To establish a college at the town of Sublimity in the county of Marion.

Read first time.

Mr. Consor moved the House resolve itself into committee of the whole.

Withdrawn.

On motion of Mr. Shuck,

The House adjourned.

I certify that the foregoing is a true and correct copy of Journal of the House of Representatives of Oregon Territory, for Jan. 14, 1857, as approved Jan. 15, 1857.

D. C. DADE,

Chief Clerk House of Representatives.

THURSDAY, JANUARY 15, 1857.

House met pursuant to adjournment.

Absent—Messrs. Dryer, Johnson, and Starkweather.

Prayer by the chaplain, Rev. Mr. Pearne.

Journal of yesterday read and approved.

Mr. Consor, chairman of standing committee on engrossed bills, reported

H. B's 54, 55, 58, and 60, as truly engrossed.

Mr. Avery, chairman of standing committee on claims, to whom was referred claim of Elijah Williams, reported the same back to the House with accompanying

H. B. 70, For the relief of Elijah Williams.

Read first time.

Mr. Bennett, chairman of standing committee on counties, to whom was referred petition of citizens of Umpqua county, to be attached to Lane county, reported adversely to said petition.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred

H. B. 19, To amend the road law,

Reported the same back to the House with sundry amendments.

Which were adopted and bill ordered to be re-printed.

Mr. Berry, chairman of select committee to whom was referred

H. B. 41, reported the same back to the House with the following amendments and recommending its passage:

Amend by inserting in place of Sec. 20:

"All able bodied Chinamen, residing or remaining within any of the mining districts in this Territory, shall be considered miners, under the provision of this act unless they are directly engaged in some other lawful business avocation."

"Sec. 21. This act to take effect and be in force from and after its passage."

Amendments adopted, and

On motion,

Bill ordered engrossed and read a third time to-morrow.

The Speaker presented petition of Thomas H. Pearne, relative to mail service.

On motion,

Referred to select committee heretofore appointed on that subject.

H. B. 61, read a second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 62, read second time.

On motion,

Referred to select committee of three.

The Speaker appointed Messrs. Consor, Smith of Linn, and Dryer, said committee.

H. B. 63, read second time.

On motion,

Referred to select committee of three.

The Speaker appointed Messrs. Shuck, Matthews, and Rogers, said committee.

H. B. 64, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 65, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 66, read second time.

On motion,

Referred to committee of the whole.

C. B. 9, read second time.

On motion,

Referred to a select committee of three.

The Speaker appointed Messrs. Lovejoy, Collard, and Starkweather, said committee.

H. B. 54, read third time and passed.

H. B. 55, read third time, pending final passage of the bill.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Consor, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Underwood, Walker, Welch, and Speaker—28.

Nays—none.

So the bill passed.

H. B. 58, read third time and passed.

H. H. 60, read third time and passed.

C. B. 11, read third time and passed.

Mr. Consor moved H. B. 4, be taken from the table.

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Brown of Linn, Cochran, Consor, Gates, Harpole, Matthews, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Walker, and Speaker—14.

Nays—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Multnomah, Collard, Johnson, Lovejoy, Miller, Shuck, Smith of Jackson, Underwood, and Welch—14.

So the bill was not taken from the table.

Mr. Consor moved H. B. 15, be taken from the table.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Consor, Gates, Harpole, Lovejoy, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Underwood, Walker, Welch, and Speaker—25.

Nays—Messrs. Barr, Johnson, and Matthews—3.

So the bill was taken from the table, and,

On motion,

Referred to select committee of three.

The Speaker appointed Messrs. Consor, Brown of Linn, and Ray, said committee.

Mr. Brown of Multnomah moved H. B. 36, be taken from the table.

Adopted, and

On motion,

Referred to select committee of three.

Messrs. Smith of Linn, Brown of Multnomah, and Walker, were appointed said committee.

Mr. Shuck moved H. J. R. 12, be taken from the table.

Carried.

The motion being to adopt the J. R., pending which,

On motion,

The House adjourned.

AFTERNOON SESSION.

The motion to adopt H. J. R. 12, pending.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Bennett, Brown of Multnomah, Consor, Dryer, Johnson, Shuck, and Smith of Jackson—10.

Nays—Messrs. Berry, Brown of Linn, Collard, Cochran, Gates, Harpole, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Underwood, Walker, Welch, and Speaker—19.

Lost.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit H. B's 34, 37, 46, 48, and 49, which have passed the Council.

Also, H. J. R. 1.

Also, An act to incorporate the Adelphosophical Society of Eugene City.

Also, An act to grant Susannah V. Delarima a divorce.

And respectfully request your signature.

Also, H. B's 55 and 58, have passed the Council.

Mr. Rogers, on leave, introduced

H. B. 71, To incorporate the New Port Railroad Company.

Read first time.

Mr. Cochran, on leave, introduced

H. B. 72, To amend an act entitled "An act relating to elections and the mode of supplying vacancies."

Read first time.

Mr. Lovejoy, on leave, introduced

H. B. 73, For relief of Joaquin Young.

Read first time.

The Speaker announced he had signed,

C. J. R. 1; also,

An act to incorporate the Adelphosophical Society of Eugene City.

Also,

An act to grant Susannah V. Delarima a divorce.

Mr. Brown of Multnomah, presented papers pertaining to per diem allowance and mileage of Jas. Taylor.

On motion,

Referred to standing committee on claims.

H. B. 68, read second time.

On motion,

Ordered engrossed and to a third reading to-morrow.

H. B. 69, read second time.

On motion,

Ordered engrossed and to a third reading to-morrow.

Mr. Brown of Multnomah, moved House resolve itself into committee of the whole.

Lost.

Mr. Dryer moved C. J. R. 11, be taken from the table.

Lost.

Mr. Dryer moved

The House resolve itself into

COMMITTEE OF THE WHOLE,

For consideration of H B. 59.

Adopted.

Mr. Avery in the chair.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration H. B. 59, they beg leave to report the same back to the House with the following amendment and recommend its passage:

Amend the first section, in second section, after the word "shall," by inserting the following:

"Knowing, and with manifest intention to deprive the owner or master of any ship or vessel, the services of any seamen."

Adopted.

On motion,

Ordered engrossed and to a third reading to-morrow.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representative of Oregon Territory for Jan. 15th, 1857, as approved by said House, Jan. 16th, 1857.

D. C. DADE,

Chief Clerk House Representatives.

FRIDAY, JANUARY 16, 1857.

The House met pursuant to adjournment.

Absent—Mr. Starkweather.

Prayer by the chaplain, Rev. Mr. Dickinson.

Journal of yesterday read and approved.

Mr. Consor made application for and obtained leave of absence.

Mr. Avery presented petition of W. K. Mauzey and others, for an act to incorporate the town of Corvallis.

On motion,

Referred to a select committee of three.

Messrs. Avery, Bennett, and Welch, appointed said committee.

Mr. Moffitt presented petition of Lizzie Burbank, asking for a divorce.

On motion,

Referred to select committee of three.

Messrs. Lovejoy, Dryer, and Moffitt, appointed said committee.

Mr. Barr presented petition of Catharine Harris, praying for a divorce.

On motion,

Referred to select committee of three.

Messrs. Barr, Johnson, and Rogers, appointed said committee.

Mr. Bennett presented petition of citizens of Benton county, relative to swine running at large.

On motion,

Laid on the table.

Mr. Barr presented memorial asking congress for an appropriation for military road from Ranier, Columbia county, to near Forest Grove, in Washington county.

Adopted.

Mr. Brown of Multnomah, presented petition for the change of the name of Multnomah county to that of Willamette.

On motion,

Referred to select committee on counties.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition of citizens of Umpqua county, relative to territorial road, reported the same back to the House with accompanying

H. B. 74, To locate a territorial road from Estes', in Umpqua county, to intersect the territorial road from Sporea' ferry, to Winchester, at Cammas Swale, in Douglas county.

Read first time.

Mr. Lovejoy, from the joint committee on enrolled bills, reported, H. B's 12, 20, 31, 33, 40, and 47, as truly enrolled.

Mr. Dryer, chairman of select committee, to whom was referred H. B. 57, reported the same back to the House without amendment, recommending its passage.

Mr. Gates, chairman of the select committee to whom was referred petition of widow and heirs of Thos. Jeffries, deceased, reported the same back to the House with accompanying memorial to congress.

Read, and

On motion,

Adopted.

Mr. Shuck, chairman of the select committee to whom was referred H. B. 63, reported the same back to the House without amendment recommending its passage; chairman of committee reporting adversely.

Mr. Johnson, chairman of select committee to whom was referred petition of Wm. Garlick, reported the same back to the House, with accompanying

H. B. 75, To divorce Wm. Garlick,

Read first time.

Mr. Brown of Multnomah, offered resolution relative to penitentiary commissioners.

Lost.

Mr. Smith of Linn, presented report of the commissioners heretofore appointed by the Legislature to superintend the erection of a monumental column, over the remains of the late Samuel R. Thurston.

Read, together with accompanying bill of expenses.

On motion,

Referred to standing committee on claims.

H. B. 57, read third time.

On motion,

Referred to select committee of five, heretofore appointed on the subject of assessment.

H. B. 63, read a third time, pending final passage of which,

The House adjourned.

AFTERNOON SESSION.

Final passage of H. B. 63, still pending.

On motion,

A call of the House was ordered.

Messrs. Consor and Starkweather, reported absent from town.

A further call of the House was dispensed with.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Berry, Gates, Harpole, Matthews, Miller, Moffitt,

Munroe, Rogers, Rose, Smith of Linn, Underwood, Walker, and Speaker—13.

Nays—Messrs. Allen, Avery, Barr, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Dryer, Johnson, Lovejoy, Ray, Shuck, Smith of Jackson, and Welch—15.

Lost.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the president of the Council, I herewith transmit H. B's 21 and 23, which have been respectively signed by the President.

Also,

H. B's 35, 38, and 39, which have passed the Council, with amendment to H. B. 35, and request concurrence of the House in the same.

Also,

H. B. 60, has passed the Council.

The Speaker announced he had signed,

H. B's 12, 20, 21, 23, 31, 33, 40, and 47.

On motion,

House concurred in Council amendment to H. B. 35.

Mr. Shuck, on leave, introduced

H. B. 76, To define the boundaries of Yamhill and Washington counties.

Read a first time.

Mr. Brown of Multnomah, on leave, introduced

H. B. 77, To incorporate the subordinate Divisions of Sons of Temperance of the Territory of Oregon.

Read a first time.

Mr. Harpole, on leave, introduced

H. B. 78, To amend an act entitled "An act relating to common schools."

Read first time.

Mr. Smith of Linn, on leave, introduced

H. B. 80, Entitled an act to amend an act entitled "An act to provide for taking an enumeration of the inhabitants of Oregon."

Read first time.

Mr. Underwood, on leave, introduced

H. B. 79, To declare military road from Scottsburgh to Myrtle Creek, a territorial road.

Read first time.

The Speaker presented petition of Oliver Pickard and others, relative to school lands.

On motion,

Referred to the standing committee on education.

On motion,

The House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Jan. 16, 1857, as approved by the House, Jan. 17, 1857.

D. C. DADE,

Chief Clerk of the House of Representatives.

SATURDAY, JANUARY 17, 1857.

House met pursuant to adjournment.

Absent—Messrs. Conser, Rogers, and Starkweather.

Prayer by chaplain, Rev. Mr. Hoyt.

Journal of yesterday was read and approved.

Mr. Shuck presented petition of Joseph Hess, to amend law relative to criminal prosecution.

On motion,

Referred to standing committee on judiciary.

Mr. Brown of Multnomah, presented memorial and petition relative to liquor trafic.

On motion,

Referred to select committee heretofore appointed on that subject.

Mr. Avery, chairman of the standing committee on claims, to whom was referred the claim of Jas. Taylor, for per diem allowance and mileage, reported the same back to the House, with the following resolution:

Resolved, That the chief clerk of the House, be instructed to for-

ward the papers in the possession of the House, (or a copy of the same,) relative to the mileage and per diem of James Taylor, to the Comptroller of the Treasury of the United States, for his decision upon the same.

Adopted.

Mr. Welch, chairman of the standing committee on roads and highways, to whom was referred petition of citizens of Clackamas and Washington counties, relative to the location of territorial road, reported the same back to the House with accompanying,

H. B. 81, To locate a territorial road from Oregon City, in Clackamas, to Hillsborough, in Washington county.

Read first time.

Mr. Underwood, from committee on engrossed bills, reported—

H. B's 61, 64, and 65, as truly engrossed.

Mr. Barr, chairman of select committee to whom was referred petition of Catharine Harris, reported the same back to the House with accompanying,

H. B. 82, To grant Catharine Harris a divorce.

Read first time.

Mr. Lovejoy, chairman of select committee to whom was referred petition of Lizzie Burbank, reported the same back to the House with accompanying,

H. B. 83, To divorce Lizzie Burbank from her husband, O. N. Burbank, from the bonds of matrimony.

Read first time.

Mr. Avery, from standing committee to whom was referred claim of Messrs. Roberts & Shartle, reported the same back to the House with accompanying,

H. B. 84, For the relief of Messrs. Roberts & Shartle.

Read first time.

H. B. 67, read second time and referred to committee of the whole House.

H. B. 70, read second time.

On motion,

Referred to committee of the whole House.

H. B. 71, read a second time.

On motion,

Referred to standing committee on corporations.

H. B. 73, read a second time.

On motion,

Referred to committee of the whole House.

H. B. 72, read second time.

On motion,

Ordered to be engrossed and to a third reading on Monday next.

H. B. 74, read a second time,

Ordered engrossed and to a third reading on Monday next.

H. B. 75, read second time,

Ordered engrossed and to a third reading on Monday next.

H. B. 76, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 41, read third time,

Pending final passage of which, yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Collard, Gates, Harpole, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Smith, of Linn, Smith, of Jackson, Walker, Welch, and Speaker—22.

Nays—Messrs. Brown, of Multnomah, Cochran, and Dryer—3.

So the bill passed.

H. B. 61, read third time and passed.

H. H. 64, read third time and passed.

H. B. 65, read third time and passed.

Mr. Shuck moved H. J. R. 10, be taken from the table.

Adopted.

On motion,

Referred to committee of the whole.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit

H. M. To congress for military protection,

Which has been amended and passed by Council.

On motion,

The memorial, together with amendment, referred to committee of the whole.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to transmit H. B. 52, which has passed the Council.

Also,

H. B. 50, in which the Council refuse to concur.

Mr. Walker offered the following resolution:

Resolved, That the Territorial Auditor be and he is hereby requested to furnish to this House—

1. A list of the counties which have levied tax for territorial purposes, of one and a half mills, for the year 1855.

2. Those which have levied but one mill for the same purpose.

3. Those which he cannot ascertain the amount by them levied.

Adopted.

Mr. Smith of Linn, moved report of visiting committee to the penitentiary be taken from the table.

Adopted.

On motion,

Referred to select committee heretofore appointed on penitentiary commissioners' report.

Mr. Brown of Multnomah, moved

The House resolve itself into

COMMITTEE OF THE WHOLE,

For consideration of H. J. R. 10, and other matters referred to that committee.

Adopted.

Mr. Brown of Multnomah, in the chair.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration H. J. R. 10, they beg leave to report the same back to the House, and ask leave to sit again.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Smith of Linn, moved H. J. R. 11, be taken from the table.

Adopted.

Mr. Smith of Linn, offered the following amendment:

Amend by striking out all after the words "sine die," and add the following:

"On Thursday, the 29th inst.; and that no bills or other new matter requiring the joint action of the two Houses, shall be introduced or entertained after Saturday, the 24th inst."

Adopted.

Mr. Collard offered the following resolution:

Resolved by the House, the Council concurring, That there be appointed a commissioner to take the deposition of A. B. Hallock, Wm. McMillen, Wm. H. Frush, Wm. King, Stephen Coffin, Solomon Holcomb, Finee Caruthers, B. M. Clegget, and such other persons as said commissioners may think proper, relative to labor performed by the territorial convicts, during the administration of the present keeper of the penitentiary.

Adopted.

Mr. Gates, on leave, introduced

H. B. 85, To incorporate Dalles city.

Read first time.

Mr. Smith of Linn, presented petition of J. Q. Thornton and others, relative to the liquor license law.

On motion,

Referred to select committee heretofore appointed on that subject.

Mr. Smith of Linn, moved

House resolve itself into

COMMITTEE OF THE WHOLE,

To resume consideration of H. J. R. 10.

Mr. Smith of Linn, in the chair.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

That having had under consideration H. J. R. 10, they beg leave to report progress and ask leave to sit again.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representatives of Oregon Territory for Jan. 17th, 1857, as approved by said House, Jan. 19th, 1857.

D. C. DADE,
Chief Clerk House Representatives.

MONDAY, JANUARY 19, 1857.

House met pursuant to adjournment.

Absent—Messrs. Collard, Consor, Harpole, Smith of Linn, Starkweather, and Walker.

Prayer by the chaplain, Rev. Mr. Pearne.

Journal of Saturday read and approved.

Mr. Berry, chairman of standing committee on corporations, to whom was referred H. B. 71, reported the same back to the House, recommending its passage.

Mr. Bennett, chairman of standing committee on counties, to whom was referred petition of citizens of Multnomah county, for change of name of said county, reported adversely to prayer of said petition.

Mr. Rogers, from standing committee on education, to whom was referred petition of Oliver Pickard, reported the same back to the House without recommendation.

Mr. Underwood, from standing committee on engrossed bills, reported,

H. B's 67, 72, 74, 76, and 77; and

H. J. R. 11, as truly engrossed.

Mr. Avery, chairman of standing committee on claims, to whom was referred petition of Wm. Purvine and Hiram Smith, reported the same back to the House with accompanying

H. B. 86, For relief of Wm. Purvine and Hiram Smith.

Read first time.

Mr. Brown of Multnomah, chairman of the select committee to whom was referred various memorials and petitions on the subject of liquor law, reported the same back to the House, with accompanying

H. B. 88, To submit to a vote of the people of Oregon, the question of a prohibitory liquor law.

Read first time.

Mr. Grover, on leave, introduced

H. B. 89, To prevent frauds in transfer of claims against the Territory and the United States.

Read first time.

On motion,

The rules were suspended, bill read a second time, ordered to be engrossed, and to a third reading on to-morrow.

H. B. 78, read second time.

On motion,

Referred to select committee on education.

H. B. 79, read second time.

Considered engrossed and to a third reading to-morrow.

H. B. 80, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 81, read second time.

Mr. Collard moved to amend by adding section 4, to the bill, to-wit:

This act to take effect and be in force from and after its passage.

Adopted.

Bill ordered engrossed and to a third reading to-morrow.

H. B. 82, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 83, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 84, read second time.

Mr. Avery moved to amend by filling blank in first line of preamble with "J. F."

Adopted.

Ordered engrossed and to a third reading to-morrow.

H. B. 78, read second time.

On motion,

Ordered engrossed and to a third reading to-morrow.

H. B. 72, read third time.

Pending which,

On motion,

The House adjourned.

AFTERNOON SESSION.

Final passage of H. B. 72, still pending,

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Bennett, Brown of Linn, Cochran, Miller, Munroe, Shuck, Smith of Jackson, and Welch—9.

Nays—Messrs. Allen, Barr, Berry, Brown of Multnomah, Collard, Dryer, Gates, Harpole, Johnson, Lovejoy, Matthews, Moffitt, Ray, Rogers, Rose, Smith of Linn, Underwood, and Speaker—18.

Lost.

H. B. 74, read third time and passed.

H. B. 76, read third time.

Question being,

Shall bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Barr, Berry, Bennett, Collard, Dryer, Gates, Johnson, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, and Underwood—19.

Nays—Messrs. Avery, Brown of Linn, Brown of Multnomah, Cochran, Harpole, Shuck, Welch, and Speaker—8.

So the bill passed.

H. B. 77, read third time and passed.

H. B. 71, read third time and passed.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit C. B's 14 and 17, which have passed the Council.

Also,

H. B's 44, 45, 53, and 54, have passed the Council, with amendment to H. B. 45.

Also,

H. M. To congress for appropriation to establish territorial road, &c.,

Has been adopted by the Council amendment to H. B. 45.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

As instructed, I herewith transmit H. B. 22, 20, 31, 33, 40, and 47, which have been respectively signed by the President of the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to transmit H. J. R. 13, which has passed the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit H. B. 65, which has passed the Council.

The Speaker presented communication of Territorial Auditor.

Read and referred to select committee heretofore appointed on the subject of Auditor's report.

On motion,

The House resolved itself into

COMMITTEE OF THE WHOLE,

For further consideration of H. J. R. 10.

After some time spent therein, committee rose and reported back to the

HOUSE OF REPRESENTATIVES,

That having had under consideration H. J. R. 10, they beg leave to report progress and ask leave to sit again.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of Journal

of the House of Representatives of Oregon Territory, for Jan. 19, 1857, as approved Jan. 20, 1857.

D. C. DADE,

Chief Clerk House of Representatives.

TUESDAY, JANUARY 20, 1857.

House met pursuant to adjournment.

Absent—Messrs. Brown of Multnomah, Conser, Harpole, and Starkweather.

Prayer by the chaplain, Rev. Mr. Selwood.

Journal of yesterday read and approved.

Mr. Cochran presented petition of citizens of Mohawk Valley, Lane county, for change of territorial road, and also, a remonstrance against the same.

On motion,

Petition and remonstrance was referred to committee on roads and highways.

Mr. Underwood, from the committee on engrossed bills, reported, H. B's 59, 77, 68, 80, 81, 82, 83, 84, as truly engrossed.

Mr. Avery, from select committee to whom was referred petition for the incorporation of the town of Corvallis, reported,

H. B. 90, To incorporate the town of Corvallis.

Read first time.

Mr. Smith of Linn, chairman of the select committee to whom was referred sundry papers relating to penitentiary commissioners' report, made report to the House.

On motion,

Report laid on the table and 200 copies ordered to be printed.

Mr. Smith of Linn, from select committee to whom was referred H. B. 36, and communication of Territorial Auditor, reported the same back to the House without recommendation.

Mr. Rose, on leave, introduced

H. B. 91, To locate and establish a territorial road from Roseburg, in Douglas county, to Coos Bay in Coos county.

Read first time.

Mr. Ray, on leave, introduced

H. B. 92, To incorporate the South Santiam Bridge Company.

Read first time.

H. B. 69, read third time.

Question being,

Shall the bill pass?

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Dryer, Gates, Harpole, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Underwood, Walker, Welch, and Speaker—25.

Nays—Messrs. Collard and Cochran—2.

So the bill passed.

H. B. 68, read third time and passed.

H. H. 69, read third time and passed.

H. B. 77, read third time and passed.

H. B. 80, read third time and passed.

H. B. 81, read third time and passed.

H. B. 82, read third time and passed.

H. B. 83, read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Barr, Berry, Bennett, Collard, Dryer, Gates, Lovejoy, Matthews, Moffitt, Munroe, Smith of Jackson, and Underwood—12.

Nays—Messrs. Allen, Avery, Brown of Linn, Brown of Multnomah, Cochran, Harpole, Miller, Ray, Rogers, Rose, Shuck, Smith of Linn, Walker, Welch, and Speaker—15.

Lost.

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Moffitt offered the following resolution:

Resolved, That the House is now ready to go into the election of

Territorial officers, according to previous resolution, and that the President and members of the Council be now invited to take seats in the House for that purpose.

In conformity with resolution, the President and members of Council took their seats in the House.

On motion of Mr. Lovejoy,

Joint convention went into the election of Territorial officers.

B. F. Bonham was nominated for Territorial Auditor; election, *viva voce*.

Resulted as follows:

Whole number votes cast, 33.

Of which number,

B. F. Bonham received, - - - - 27.

Blank, - - - - - - 6

For Territorial Treasurer, resulted as follows:

Whole number of votes cast, 35.

Of which number,

J. D. Boon received, - - - - 29

Blank, - - - - - - 6

For Territorial Librarian:

Whole number of votes cast, 35.

Of which number,

Hugh Harrison received, - - - - 30

Blank, - - - - - - 5

For University Land Commissioner:

Whole number of votes cast, 36.

Of which number,

Ahio S. Watt received, - - - - 30

Blank, - - - - - - 6

Messrs. B. F. Bonham, J. D. Boon, Hugh Harrison, Ahio S. Watt, were declared duly elected to the offices respectively.

On motion of Mr. Lovejoy,

Joint convention dissolved.

H. B. 84, read third time and passed.

H. B. 79, read third time and passed.

H. B. 36, read third time.

On motion of Mr. Brown of Multnomah,

Was recommitted with instructions;

Mr. Brown chairman of committee.

H. B. 19, read third time.

On motion,

Recommitted to select committee of three, with instructions.

Messrs. Avery, Collard, and Miller, appointed said committee.

Mr. Dryer, from the select committee to whom was referred H. B. 56, reported the same back to the House without amendment, recommending its passage.

Bill read third time and passed.

Mr. Smith of Linn, from select committee to whom was referred petition of Hiram Smith, made report by

H. B. 93, For the relief of Hiram Smith.

Read a first time.

On motion,

The rules were suspended, bill read second time, and referred to committee of the whole:

Mr. Smith of Linn, from the judiciary committee, to whom was referred petition of Joseph Hess, made report adversely to prayer of petition.

On motion,

The House resolved itself into

COMMITTEE OF THE WHOLE,

For consideration of H J. R. 10.

Mr. Moffitt in the chair.

After sometime spent therein, committee rose and reported to the

HOUSE OF REPRESENTATIVES,

The same back with amendment, recommending its passage.

On motion,

The House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Jan. 20, 1857, as approved by the House Jan. 21, 1857.

D. C. DADE,

Chief Clerk of the House of Representatives.

WEDNESDAY, JANUARY 21, 1857.

House met pursuant to adjournment.

Prayer by the chaplain, Rev. Mr. Leslie.

Journal of yesterday read, and approved.

Mr. Harpole presented petition for location of territorial road from Conser's ferry, by way of Rector's mill, Buteville, &c., to intersect road from Boon's ferry to Portland.

On motion,

Referred to standing committee on roads and highways.

Mr. Underwood from standing committee on engrossed bills, reported

H. B. 56, as truly engrossed.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition of citizens of Oregon City, asking location of territorial road, reported the same back to the House with accompanying

H. B. 94, To locate territorial road from Oregon City, in Clackamas county, to Corvallis, in Benton county.

Read first time.

Mr. Lovejoy, from the joint committee on enrolled bills, reported,

H. B's 37, 58, 34, 46, 49, 52, and 35.

Also,

H. J. M. To congress asking for pay of volunteers, 1854.

Also,

H. J. R. 13, as truly enrolled.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition to locate territorial road from Salem to Doak's ferry, reported the same back to the House with accompanying

H. B. 95, To locate territorial road from Salem to Doak's ferry.

Read first time.

Mr. Smith of Linn, chairman of select committee to whom was referred

H. B. 62, For relief of Wilie Chapman, reported the same back to the House, with recommendation that it do pass.

Mr. Avery, chairman of select committee, to whom was referred

H. B. 19, with instructions to amend, reported the same back to the House with the following amendments:

Amend Sec. 4, by striking out of fifth line, the word "ten," and inserting the word "thirty."

Amend Sec. 6, by striking out of 7th line, the word "three" and insert the word "two."

Adopted.

H. B. 62, read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Barr, Berry, Brown of Linn, Collard, Dryer, Gates, Harpole, Matthews, Miller, Moffitt, Ray, Rose, Smith of Linn, Underwood, Walker, and Speaker—16.

Nays—Messrs. Allen, Avery, Bennett, Brown of Multnomah, Cochran, Starkweather, and Welch—11.

So the bill passed.

On motion,

The House adjourned.

AFTERNOON SESSION.

H. B. 87, read second time.

On motion,

Referred to committee of the whole.

H. B. 88, read second time.

On motion,

Ordered engrossed and to a third reading to-morrow.

H. M. Relative to military protection on the plains,

Came up as amended by the Council.

Question being,

Shall the House concur?

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Multnomah, Cochran, Moffitt, Munroe, Ray, Rogers, Rose, and Shuck—13.

Nays—Messrs. Collard, Dryer, Gates, Harpole, Lovejoy, Miller, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, Welch, and Speaker—13.

So House refused to concur.

H. J. R. 10, came up for adoption.

Mr. Dryer moved 9th resolution be stricken out.

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Allen, Barr, Brown of Multnomah, Dryer, Smith of Jackson, and Underwood—6.

Nays—Messrs. Avery, Berry, Bennett, Brown of Linn, Collard, Cochran, Gates, Harpole, Lovejoy, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Starkweather, Walker, Welch, and Speaker—21.

Lost.

Mr. Smith of Linn, offered amendment to 9th section, by striking out the word "lately."

Adopted.

Mr. Shuck offered amendment by inserting after the words "States," "and Territories."

Adopted.

Mr. Smith of Jackson, offered amendment to preamble.

Adopted.

Question recurring on adoption of resolution as amended,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Berry, Bennett, Brown of Linn, Collard, Cochran, Gates, Harpole, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Starkweather, Walker, Welch, and Speaker—22.

Nays—Messrs. Allen, Barr, Brown of Multnomah, Dryer, Smith of Jackson, and Underwood—6.

Adopted.

H. B. 51, read third time.

Question being,

Shall the bill pass?

J. H. R.—15.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Bennett, Brown of Linn, Collard, Cochran, Gates, Harpole, Moffitt, Munroe, Ray, Rogers, Shuck, Smith of Linn, Starkweather, Walker, and Welch—16.

Nays—Messrs. Avery, Barr, Berry, Brown of Multnomah, Dryer, Lovejoy, Matthews, Miller, Rose, Smith of Jackson, Underwood, and Speaker—12.

So the bill passed.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the president of the Council, I herewith transmit H. J. R. 14, with amendment by Council.

Also,

H. B's 61 and 64, and C. B. 18, which have passed the Council.

On motion,

House concurred in amendment of Council to H. J. R. 14.

C. B. 18, read first time.

On motion,

The rules were suspended, bill read second time, and ordered to a third reading to-morrow.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit H. B. 81, which has passed the Council, with accompanying amendment.

On motion,

House concurred in Council amendment to H. B. 81.

On motion,

House resolved itself into

COMMITTEE OF THE WHOLE,

On H. B. 67, and other business referred to that committee.

Mr. Rogers in the chair.

After sometime spent therein, committee rose and reported to the

That having had under consideration H. B. 67, they beg leave to report the same back to the House with following amendment:

Strike out "$515," and insert "$309," and recommend its passage.

Also,

H. B. 87, they report back to House with recommendation that it do not pass.

Mr. Smith of Linn, introduced

H. B. 96, To amend an act entitled "An act to provide for the sale of common school lands of the Territory of Oregon."

Read first time.

Mr. Smith of Linn, from the select committee to whom was referred H. B. 30, reported the same back to the House, recommending its indefinite postponement.

On motion,

Adopted.

Whereupon,

Mr. Smith of Linn, introduced a substitute,

H. B. 97, To amend an act entitled "An act relating to assessors."

Read first time.

Mr. Smith of Linn, from select committee to whom was referred petition of John J. Crabtree and other citizens of Linn county, and also, memorial of Thomas H. Pearne, both asking legislative action in regard to the mails, reported by memorial and H. J. R. 15.

Read and adopted.

Mr. Lovejoy, on leave, introduced

H. B. 98, To amend an act entitled "An act relating to marriage and divorce, passed Jan. 24th, 1854.

Read first time.

Mr. Starkweather, from committee on education, to whom was referred H. B. 78, made report by substitute.

On motion,

Report laid on the table.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representatives of Oregon Territory for Jan. 21st, 1857, as approved by said House, Jan. 22d, 1857.

D. C. DADE,

Chief Clerk House Representatives.

THURSDAY, JANUARY 22, 1857.

House met pursuant to adjournment.

Absent—Messrs. Conser, Harpole, Smith of Linn, Starkweather, and Welch.

Prayer by chaplain, Rev. Mr. Dickenson.

Journal of yesterday was read and approved.

Mr. Smith of Linn, presented petition of directors of school district 43, Linn county, O. T.

On motion,

Referred to select committee of one.

The Speaker appointed Mr. Smith of Linn, said committee.

Mr. Starkweather, chairman of committee on education, to whom was referred H. B. 27, reported the same back to the House with amendment as follows, and recommending its passage:

Amend by substituting the word "commissioner," for the word "auditor," in the 3d line of Sec. 2, of printed bill.

Adopted.

Mr. Lovejoy, from select committee to whom was referred C. B. 9, reported the same back to the House without amendment, recommending its passage.

Mr. Smith of Linn, moved committee of the whole be discharged from further consideration of C. B. 13.

Adopted.

Mr. Smith of Linn, moved C. B. 13, be indefinitely postponed, pending which,

Mr. Smith of Linn, moved the previous question.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Berry, Brown of Linn, Collard, Cochran, Gates,

Harpole, Matthews, Miller, Munroe, Ray, Rogers, Rose, Smith of Linn, Walker, Welch, and Speaker—16.

Nays—Messrs. Allen, Avery, Barr, Bennett, Brown of Multnomah, Dryer, Lovejoy, Moffitt, Shuck, Smith of Jackson, Starkweather, and Underwood—12.

Adopted.

Question recurring on motion to indefinitely postpone C. B. 13,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Berry, Brown of Linn, Collard, Cochran, Gates, Harpole, Matthews, Miller, Munroe, Ray, Rogers, Rose, Smith of Linn, Walker, Welch, and Speaker—17.

Nays—Messrs. Allen, Barr, Bennett, Brown of Multnomah, Dryer, Lovejoy, Moffitt, Shuck, Smith of Jackson, Starkweather, and Underwood—11.

Adopted.

Mr. Smith of Linn, moved to reconsider vote by which C. B. 13, was indefinitely postponed.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Bennett, Brown of Multnomah, Dryer, Lovejoy, and Underwood—8.

Nays—Messrs. Berry, Brown of Linn, Collard, Cochran, Gates, Harpole, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Walker, Welch, and Speaker—20.

Lost.

H. B. 85, read second time.

On motion,

Ordered engrossed and to a third reading to-morrow.

H. B. 90, read a second time,

Ordered engrossed and to a third reading to-morrow.

C. B. 9, read third time and passed.

C. B. 18, read third time,

On motion,

Indefinitely postponed.

H. B. 87, read third time,

On motion,

Indefinitely postponed.

H. B. 67, read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Dryer, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Starkweather, and Speaker—22.

Nays—Messrs. Gates, Shuck, Underwood, and Welch—4.

So the bill passed.

H. B. 78, reported back to the House with recommendation that it be indefinitely postponed with substitute for same.

Mr. Shuck moved to lay substitute on the table.

On motion,

To amend by laying both bills on the table.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Barr, Berry, Bennett, Brown of Multnomah, Collard, Dryer, Munroe, Rogers, Starkweather, Walker, and Welch—12.

Nays—Messrs. Avery, Brown of Linn, Cochran, Gates, Harpole, Lovejoy, Matthews, Miller, Moffitt, Ray, Rose, Shuck, Smith of Linn, Smith of Jackson, Underwood, and Speaker—16.

Lost.

Question recurring upon laying substitute on the table.

Adopted.

On motion,

To indefinitely postpone H. B. 78.

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Allen, Barr, Collard, Dryer, Rogers, Rose, Starkweather, and Welch—8.

Nays—Messrs. Avery, Berry, Bennett, Brown of Linn, Brown of Multnomah, Cochran, Conser, Gates, Harpole, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Shuck, Smith of Linn, Smith of Jackson, Underwood, Walker, and Speaker—21.

Lost.

Mr. Grover moved to amend H. B. 78, as follows, by inserting:

Sec. 5. In the assessment of property in any school district, for the support of common schools, or erection of school houses, all property of educational institutions, shall be exempt from taxation.

Strike out "Sec. 3," and insert "Sec. 6."

Strike out "Sec. 6," and insert "Sec. 7."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Barr, Berry, Brown of Multnomah, Conser, Dryer, Harpole, Matthews, Moffitt, Rogers, Shuck, Smith of Jackson, Starkweather, and Welch—15.

Nays—Messrs. Allen, Bennett, Brown of Linn, Collard, Cochran, Gates, Lovejoy, Miller, Munroe, Ray, Rose, Smith of Linn, and Underwood—13.

So amendment was adopted,

Bill ordered engrossed and a third reading to-morrow.

C. B. 14, To incorporate the Eugene City Bridge Company.

Read first time.

Rules suspended and bill read second time.

C. B. 17, relating to assessment and collecting taxes.

Read second time.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to transmit

H. M. To congress for relief of heirs, &c.,

With Council amendment, which has been adopted by Council, and request concurrence of House in amendment.

On motion,

House concurred in Council amendment to

H. M. To congress for relief of heirs, &c.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit H. B's 41, 59, 68, 76, 77, 80, 79, 71, 74, 69, and 84, which have passed the Council, with amendments to H. B's 69 and 41.

On motion,

House refused to concur in Council amendment to H. B. 69, and concurred in amendment to H. B. 41.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

As instructed, I herewith transmit C. B's 22, which passed Council and request concurrence on the part of House.

C. B. 22, To re-locate a portion of territorial road leading from Oregon City to Pleasant Hill.

Read first time.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

Herewith, I transmit

H. M. To congress for additional mail service.

Also,

H. M. To congress for military protection.

With amendment heretofore adopted by Council.

Council refused to recede.

On motion,

House concurred in Council amendment to

H. M. To congress for military protection.

Mr. Gates. on leave, introduced

H. B. 99, Supplementary to an act to amend an act relating to roads and ferries.

Read first time.

The Speaker announced he had signed

H. B's 34, 35, 87, 46, 48, 49, 52, 58, and

H. M. To congress for pay of expenses of Indian war of 1854.

And H. J. R. 13.

Mr. Dryer, on leave, introduced

H. B. 100, For relief of A. A. Durham.

Read first time.

Mr. Dryer, on leave, introduced

H. B. 101, To amend an act regulating and organizing the militia.

Read first time.

Mr. Smith of Linn, from the select committee of one, to whom was

referred a petition of directors of school district No. 43, Linn Co., O. T., reported by

H. B. 102, For the relief of school district No. 43, in Linn Co.

Read first time.

Mr. Brown of Linn, on leave, introduced

H. B. 103, To repeal an act entitled "An act to provide for auditing claims against the Territory, growing out of existing Indian war."

Read first time.

Mr. Smith of Linn moved petition relating to cattle running at large, be taken from the table.

Adopted.

On motion,

Referred to select committee of three.

Mr. Smith of Linn, Collard, and Matthews, were appointed said committee.

Mr. Smith of Linn, moved

House resolve itself into committee of the whole.

A call of the House was made.

On motion,

Further call dispensed with.

On motion,

The House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Jan. 22, 1857, as approved by the House, Jan. 23, 1857.

D. C. DADE,

Chief Clerk of the House of Representatives.

FRIDAY, JANUARY 23, 1857.

House met pursuant to adjournment.

Absent—Mr. Johnson.

Prayer by the chaplain, Rev. Mr. Pearne.

Journal of Saturday read and approved.

Mr. Lovejoy, from committee on enrolled bills, reported

H. B's 45, 48, 55, 53, 54, 60, 38, 39, 65, and 44, also,

H. J. M. To congress for appropriation to establish a military road from Rainier, in Columbia county,

As correctly enrolled.

Mr. Conser, chairman of standing committee on engrossed bills, reported

H. B's 78, 86, 88, 27, and 90, as truly engrossed.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition of citizens of Mohawk Valley, Lane county, asking the re-location of territorial road from Sublimity, Marion county, to Pleasant Hill, reported the same back to the House, together with remonstrance on same subject, accompanying

H. B. 104, To re-locate a territorial road in Lane county.

Read a first time.

Mr. Welch, chairman of standing committee on roads and highways, to whom was referred petition asking the location of territorial road from Conser's ferry to Portland, reported the same back to the House with accompanying

H. B. 105, To establish a territorial road in Marion county.

Read first time.

Mr. Conser, from the select committee to whom was referred H. B. 15, reported the same back to the House, amended as follows:

Strike out of title "navigable," and insert "a public highway."

In first section, strike out "navigable and,"

Ammendment adopted,

Bill ordered engrossed and to a third reading to-morrow.

Mr. Brown of Multnomah, from the select committee to whom was referred H. B. 36, reported the same back to the House, recommending its indefinite postponement, reporting substitute in place thereof.

Mr. Avery moved H. B. 36, be indefinitely postponed.

Adopted.

Mr Brown of Multnomah, introduced as substitute,

H. B. 106, To require certain counties to supply deficits in their territorial revenue for the year 1855.

Read first time.

H. B. 91, read second time.

On motion,

Amended by striking out "Hoy Flernoy," and inserting "Daniel Collind."

Adopted,

Bill ordered engrossed and to a third reading to-morrow.

H. B. 92, read second time.

On motion,

Amended by striking out Sec. 11, and insert—

"The Legislative Assembly shall have power to amend this act at pleasure."

Amend Sec. 12, by inserting—

"This act to take effect and be in force from and after its passage."

Adopted,

Bill ordered engrossed and to a third reading to-morrow.

C. B. 9, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 19, Came up for third reading.

Mr. Lovejoy moved bill be indefinitely postponed.

Pending which,

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Lovejoy withdrew motion to indefinitely postpone H. B. 19.

Mr. Dryer moved bill be referred to select committee of three, with instructions to amend.

Adopted.

Messrs. Avery, Lovejoy, and Gates, appointed said committee.

H. B. 27, read third time.

On motion,

Indefinitely postponed.

H. B. 78, read third time.

Question being,

Shall bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Avery, Bennett, Brown of Linn, Cochran, Conser, Gates, Harpole, Lovejoy, Miller, Ray, Shuck, Smith of Jackson, Underwood, Walker, and Speaker—15.

Nays—Messrs. Allen, Barr, Berry, Brown of Multnomah, Collard, Matthews, Moffitt, Munroe, Rogers, Rose, Starkweather, and Welch—12.

So the bill passed.

H. B. 88, read third time.

Mr. Smith of Linn, moved bill be laid on the table.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Berry, Brown of Linn, Collard, Gates, Harpole, Matthews, Miller, Moffitt, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Walker, Welch, and Speaker—16.

Nays—Messrs. Allen, Avery, Barr, Bennett, Brown of Multnomah, Conser, Lovejoy, Munroe, Shuck, Starkweather, and Underwood—12.

Adopted.

H. B. 90, taken up,

On motion,

Laid on the table.

H. B. 86, read third time and passed.

C. B. 14, read third time and passed.

C. B. 17, read third time.

On motion,

Laid on the table.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

Herewith, I transmit

An act to authorize Campbell E. Christman and Lucinda Christman, to make a marriage settlement of their property.

Also,

An act to incorporate Oregon City, in Clackamas county.

To which your signature is respectfully requested.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the president of the Council, I herewith transmit H. B. 82 and C. B. 19, which have passed Council.

Also,

H. B. To divorce William and Catharine Garlick.
Which has been defeated in the Council.

The Speaker announced he had signed,
H. B's 38, 39, 44, 45, 48, 53, 54, 55, 60, and 65; and
An act to authorize Campbell E. Christman and Lucinda Christman to make a marriage settlement of their property.
Also,
An act to amend an act to incorporate Oregon City, in Clackamas county.
Also,
H. M. To congress for appropriation to establish military road from Rainier, in Columbia county, &c.
C. B. 19, read first time.
Mr. Smith of Linn, moved committee of the whole be discharged from further consideration of H. B. 66.
Adopted.
H. B. 66, read third time.
Question being,
Shall the bill pass?
The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bennett, Brown of Linn, Conser, Rogers, Underwood, and Speaker—6.

Nays—Messrs. Allen, Avery, Barr, Brown of Multnomah, Collard, Cochran, Gates, Harpole, Lovejoy, Matthews, Miller, Moffitt, Munroe, Ray, Rose, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Walker, and Welch—21.

Mr. Smith of Linn, from select committee to whom was referred petition of citizens of Linn county, on the subject of cattle running at large, reported adversely to prayer of said petition.
Mr. Smith of Linn, on leave, introduced
H. B. 107, To provide for the election and to define the duties of a superintendent of the penitentiary.
Read first time.
Mr. Collard, on leave, introduced
H. B. 108, To amend an act entitled "An act in relation to divorce."
Read first time.

Mr. Rose, on leave, introduced

H. B. 109, To revive a portion of territorial road.

Read first time.

Mr. Berry, on leave, introduced

H. B. 110, To incorporate the Siskiyou wagon road company.

Read first time.

Mr. Smith of Linn, on leave, introduced

H. B. 111, To amend an act to regulate the treasury department.

Read first time.

Mr. Rogers, on leave, introduced

H. B. 112, To declare Coal Bank Creek a public highway.

Read first time.

Mr. Conser, on leave, introduced

H. B. 113, For the relief of Cox & Palmer.

Read first time.

Mr. Smith of Linn, moved committee of the whole be discharged from further consideration of C. B. 12.

Adopted.

C. B. 12, read third time.

Question being,

Shall the bill pass?

Pending which,

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representatives of Oregon Territory for Jan. 23d, 1857, as approved by said House, Jan. 24th, 1857.

D. C. DADE,

Chief Clerk House Representatives.

SATURDAY, JANUARY 24, 1857.

House met pursuant to adjournment.

Absent—Mr. Johnson.

Prayer by the chaplain, Rev. Mr. Hoyt.

Journal of yesterday read and approved.

Mr. Conger, chairman of standing committee on engrossed bills, reported

H. B's 15, 92, and 97, as truly engrossed.

Mr. Lovejoy, chairman of joint standing committee on enrolled bills, reported

H. B's 41 and 68, and also,

J. M. To congress for military protection,

As correctly enrolled.

Mr. Smith of Linn, offered

H. J. R. 16, Relative to the territorial funds.

Read first time.

On motion,

The rules were suspended, resolution read second and third times, and passed.

Mr. Smith of Linn, on leave, introduced.

H. B. 114, To create a commissioner to examine and report upon claims against the penitentiary.

Read first time.

Mr. Smith of Linn, presented papers relative to keeper of penitentiary.

Read, and

On motion,

Laid on the table.

C. B. 19, read second time.

On motion,

Referred to judiciary committee.

H. B. 94, read a second time,

On motion,

Amended by inserting in blank, "H. E."

Adopted.

Bill ordered engrossed and to a third reading on Monday next.

H. B. 95, read second time.

Ordered engrossed and to a third reading on Monday next.

H. B. 96, read second time.

Ordered engrossed and to a third reading on Monday next.

H. B. 97, read second time.

On motion,

Amended by striking out in "Sec. 3," "4th Monday in June," and insert "1st Monday in July."

Bill ordered engrossed and to a third reading on Monday next.

H. B. 98, read second time.

Ordered engrossed and to a third reading on Monday next.

H. B. 99, read second time.

Ordered engrossed and to a third reading on Monday next.

H. B. 100, read second time.

Mr. Lovejoy moved bill be indefinitely postponed.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Brown of Linn, Brown of Multnomah, Cochran, Gates, Harpole, Lovejoy, Matthews, Miller, Munroe Ray, Rose, Shuck, Smith of Linn, Smith of Jackson, Starkweather, Underwood, Walker, Welch, and Speaker—22.

Nays—Messrs. Collard, Conser, Dryer, Moffitt, and Rogers—5.

H. B. 101, read second time.

Mr. Smith of Linn, moved bill be indefinitely postponed.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Conser, Lovejoy, Matthews, Moffitt, Rogers, Rose, Smith of Linn, and Speaker—8.

Nays—Messrs. Allen, Avery, Barr, Bennett, Brown of Linn, Brown of Multnomah, Collard, Cochran, Dryer, Gates, Harpole, Miller, Munroe, Ray, Shuck, Smith of Jackson, Starkweather, Underwood, Walker, and Welch—20.

Lost.

Ordered engrossed and to a third reading on Monday next.

H. B. 102, read second time.

Ordered engrossed and to a third reading on Monday next.

H. B. 104, read second time.

Ordered engrossed and to a third reading on Monday next.

H. B. 105, read second time.

Ordered engrossed and to third reading on Monday next.

C. B. 12, taken up,

Question being,

Shall the bill pass?

Pending which,

On motion,

The House adjourned.

AFTERNOON SESSION.

Final passage of C. B. 12, still pending.
A call of House was demanded.
On motion,
A further call of the House was dispensed with.
Mr. Avery moved bill be laid on the table.
The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Bennett, Brown of Multnomah, Lovejoy, Munroe, Shuck, Smith of Jackson, Starkweather, and Underwood—11.

Nays—Messrs. Brown of Linn, Collard, Cochran, Conser, Dryer, Gates, Harpole, Matthews, Moffitt, Ray, Rose, Rogers, Smith of Linn Walker, Welch, and Speaker—16.

A further call of the House was demanded.
On motion,
A further call of the House was dispensed with.
Question recurring upon the final passage of C. B. 12,
The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Bennett, Brown of Multnomah, Cochran, Dryer, Lovejoy, Shuck, Smith of Jackson, Underwood, and Welch—12.

Nays—Messrs. Brown of Linn, Collard, Conser, Gates, Harpole, Matthews, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Starkweather, Walker, and Speaker—15.

Lost.
H. B. 59, was,
On motion,
Reported to the Council for amendment.
H. H. 15, read third time and passed.
H. B. 92, read third time and passed.
H. B. 97, read third time and passed.
A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit C. B's 21

and 26, which have passed the Council, and concurrence of the House respectfully requested.

C. B. 26, read first time.

C. B. 21, read first time.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit H. B's 62 and 67, which have passed the Council.

Also,

H. B. 84, which has been defeated.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to transmit

H. B's 38, 39, 44, 45, 48, 52, 53, 54, 55, 60, 46, 65, 37, 49, 58, 35, and 34.

Also,

H. J. R. 13, and

H. M. To congress for pay of volunteers, and

H. M. To congress for establishing military road from Rainier.

Which have been signed by the President of Council.

Also,

H. B's 43 and 51, and

C. B. 20, which have passed Council.

The President has signed,

An act to authorize Campbell E. Christman and Lucinda Christman to make a marriage settlement of their property.

Also,

An act to incorporate Oregon City, in Clackamas county.

C. B. 20, read first time.

H: B. 103, read second time.

On motion,

The rules were suspended, bill read third time, and passed.

H. B. 108, read second time.

Ordered engrossed and to a third reading on Monday next.

H. B. 109, read second time.

Ordered engrossed and to third reading on Monday next.

The Speaker announced he had signed,
The memorial to congress for military protection, and
H. B's 41 and 68.
On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of Journal of the House of Representatives of Oregon Territory, for Jan. 24, 1857, as approved Jan. 26, 1857.

D. C. DADE,
Chief Clerk House of Representatives.

MONDAY, JANUARY 26, 1857.

House met pursuant to adjournment.
Absent—Messrs. Barr, Brown of Multnomah, Conser, Harpole, Johnson, Starkweather, and Walker.
Prayer by the chaplain, Rev. Mr. Selwood.
Journal of yesterday read and approved.
Mr. Rogers introduced
Memorial to congress for appropriation for military road to Coos Bay.
Adopted.
Mr. Rogers introduced
Memorial to congress relating to port of entry at Coos Bay.
Adopted.
Mr. Rogers introduced
Memorial to the President of the United States for survey of Coos Bay harbor.
Adopted.
Mr. Rogers introduced
Memorial to congress for appropriation for light-house at Coos Bay.
Adopted.
Mr. Smith of Linn, chairman of judiciary committee, to whom was referred C. B. 19, reported the same back to the House recommending its passage.

Mr. Underwood, from standing committee on engrossed bills, reported

H. B's 94, 95, 96, 97, 98, 99, 101, 102, 104, and 105, and

H. J. R. 10.

Mr. Avery, from committee on claims, to whom was referred papers relating to claims of J. W. Beale, reported the same to the House, recommending that the claim be not allowed.

Mr. Lovejoy, from select committee, to whom was referred

H. B. 19, Relating to road law.

Made report which was received and,

On motion,

Ordered to be printed.

On motion,

Memorials offered by Mr. Rogers, ordered to be printed.

Mr. Brown of Multnomah, moved papers read in the House relating to keeper of the penitentiary be printed.

Adopted.

H. B. 106, read second time.

Mr. Smith of Jackson, offered amendment to exempt Jackson and Josephine counties, from the provisions of the bill.

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Berry, Bennett, Cochran, Matthews, Miller, Munroe, Rose, and Smith of Jackson.—7.

Nays—Messrs. Allen, Avery, Brown of Linn, Collard, Dryer, Gates, Lovejoy, Moffitt, Ray, Rogers, Shuck, Smith of Linn, Starkweather, Underwood, Welch, and Speaker—16.

Lost.

Bill ordered engrossed and to third reading to-morrow.

H. B. 107, read a second time,

On motion,

Referred to select committee of three.

Messrs. Smith of Linn, Dryer, and Moffitt, were appointed said committee.

C. B. 12, read second time.

On motion,

Referred to select committee of three.

Messrs. Avery, Welch, and Cochran, appointed said committee.

C. B. 21, read second time.

C. B. 26, read second time.

Mr. Collard moved to reconsider vote on second reading of C. B. 26.

Adopted.

On motion,

Referred to select committee of three.

Messrs. Gates, Collard, and Welch, appointed said committee.

H. B. 94, read third time and passed.

H. B. 95, read third time and passed.

H. B. 96, read third time.

On motion,

Referred to the judiciary committee, with instructions.

H. B. 97, read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brown of Linn, Brown of Multnomah, Collard, Cochran, Ray, Rogers, Rose, Shuck, Smith of Linn, and Welch—10.

Nays—Messrs. Allen, Avery, Bennett, Dryer, Gates, Lovejoy, Matthews, Moffitt, Munroe, Smith of Jackson, Starkweather, Underwood, and Speaker—13.

Lost.

H. B. 99, read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Berry, Bennett, Brown of Linn, Cochran, Conser, Gates, Lovejoy, Matthews, Munroe, Ray, Rose, Smith of Linn, and Welch—19.

Nays—Messrs. Avery, Brown of Multnomah, Collard, Dryer, Moffitt, Shuck, Smith of Jackson, Starkweather, and Speaker—9.

So the bill passed.

H. B. 98, read third time and lost.

H. B. 101, read third time,

Pending which,

On motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Lovejoy, on leave, introduced

H. B. 115, To incorporate the Willamette Falls Canal and Transportation Company.

Read first time.

Mr. Lovejoy, on leave, introduced

H. B. 116, To amend an act relating to marks and brands, and weights, and measures.

Read first time.

Mr. Allen, on leave, introduced

H. B. 117, To remove the seat of government from Salem to Portland.

Mr. Smith of Linn, moved the bill be rejected.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brown of Linn, Cochran, Conser, Gates, Harpole, Matthews, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, and Speaker—15.

Nays—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Multnomah, Collard, Dryer, Lovejoy, Shuck, Starkweather, Underwood, and Welch—13.

So the bill was rejected.

Mr. Rogers, on leave, introduced

Memorial to congress to remove land office from Winchester to Roseburg, O. T.

Read and adopted.

Mr. Barr, on leave, introduced

H. B. 118, To submit to a vote of the people of Oregon Territory by precincts, the question of license and no license, to retail ardent spirits.

Read first time.

Mr. Welch, on leave, introduced

H. B. 119, To locate a territorial road in Yamhill and Polk counties.

Read first time.

Mr. Gates, on leave, introduced

Memorial to congress in behalf of orphans surviving Indian massacres.

Adopted.

Mr. Dryer, on leave, introduced memorials.

Read and laid ou the table.

Mr. Berry, on leave, introduced

H. B. 120, To divorce Mary Collins from her husband, William Collins.

Read first time.

Mr. Smith of Linn, from the select committee to whom was referred H. B's 96 and 107, reported the same back to the House with amendments as follows:

Add at the conclusion of the first section, the following, to-wit:

And that before entering upon the sale of any such school lands, as herein provided, said superintendents of common schools shall each execute a bond, with at least two good and sufficient and approved securities, in the sum of five thousand dollars, conditioned for the faithful performance of their duty, and the prompt payment to the county treasurer, of all moneys, notes, or securities, as provided in this act, said bond to be executed and delivered to the county treasurer.

Adopted.

Mr. Smith of Linn, from select committee to whom was referred H. B. 107, reported the same back to the House, with the following amendment, recommending its passage.

Amend in section 1, by striking out all of said section, after the word "Oregon," in the 2d line, and insert the following, viz:

That it shall be and hereby is the duty of the Governor of the Territory to appoint some competent person, to act as superintendent of the territorial penitentiary during the current year and until his successor shall have been duly elected and qualified; and that therefore, the Legislative Assembly in joint convention assembled, shall elect one competent superintendent of the said penitentiary, who shall continue in office for two years from the date of his elec-

tion, and until his successors shall have been duly elected and qualified.

Adopted.

Mr. Avery, from select committee to whom was referred C. B. 20, reported the same back to the House, with the following amendment:

Amend by striking out all after the word "each," in section 5, 2d line, and insert "that."

Adopted.

Mr. Lovejoy, from joint committee on enrolled bills, reported the following bills, as truly enrolled:

H. B's 64, 71, 74, 77, 79, 81, and 82.

Mr. Underwood, from committee on engrossed bills, reported the following as truly engrossed:

H. B's 108 and 109.

H. B. 101, taken up.

Pending which,

Mr. Smith of Linn, offered the following resolution:

That when this House adjourns, it will take a recess until 7 o'clock, this evening.

Adopted.

On motion,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Question still pending on amendment offered by Mr. Moffitt, to H. B. 101, to fix and pay the salaries of the Quarter-master and Commissary General.

Withdrawn.

Mr. Lovejoy offered amendment as follows:

Strike out "fifty thousand dollars," and insert "twenty-five thousand."

Withdrawn.

Mr. Conser moved the previous question.

Whereupon, the question being,

Shall the previous question be put?

The yeas and nays being demanded, resulted as follows:

Yeas.—Messrs. Brown of Linn, Cochran, Conser, Gates, Harpole, Matthews, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, and Walker—15.

Nays—Messrs. Allen, Avery, Barr, Berry, Bennett, Brown of Multnomah, Collard, Dryer, Lovejoy, Shuck, Underwood, and Welch—12.

A call of the House was demanded.

On motion,

Further call was dispensed with.

Question recurring upon final passage of H. B. 101,

The yeas and nays being demanded, resulted as follows:

Yeas.—Allen, Avery, Barr, Bennett, Brown of Linn, Brown of Multnomah, Collard, Dryer, Lovejoy, Munroe, Shuck, Underwood, Walker and Welch—14.

Nays—Messrs. Berry, Cochran, Conser, Gates, Harpole, Matthews, Moffitt, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Starkweather, and Mr. Speaker—14.

So the bill was lost.

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of House of Representatives of Oregon Territory for Jan. 26, 1857, as approved.

D. C. DADE,

Chief Clerk House Representatives.

TUESDAY, JANUARY 27, 1857.

The House met pursuant to adjournment.

Absent—Messrs. Bennett, Johnson, Miller, Moffitt.

Prayer by the chaplain, Rev. Mr. Dickinson.

Journal of yesterday read and approved.

Mr. Conser, of committee on engrossed bills, reported H. B's 96, 106 and 107 as truly engrossed.

Mr. Lovejoy, from joint committee on enrolled bills, reported:

H.J. R. 15,

H. J. M. to Congress for relief of the heirs of Thos. Jeffreys,

H. J. M. to Congress for an increase of mail facilities in Oregon.

Mr. Gates, chairman of select committee, to whom was referred C. B. 26, reported the same back to the House, with the recommendation that it do not pass.

H. B. 110, read second time.

On motion,

Referred to select committee of three.

Smith of Jackson, Berry and Matthews, were appointed said committee.

H. B. 111, read second time.

Ordered engrossed and to a third reading to-morrow.

H. B. 112, read second time.

On motion,

Considered engrossed, rules suspended,

Bill read third time, and passed.

H. B. 113, read second time,

On motion,

Bill considered engrossed, rules suspended, bill read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Berry, Collard, Conser, Dryer, Gates, Harpole, Lovejoy, Matthews, Moffitt, Rose, Smith of Linn, Starkweather, and Speaker—13.

Nays—Messrs. Allen, Avery, Barr, Brown of Linn, Brown of Multnomah, Munroe, Ray, Rogers, Shuck, Smith of Jackson, Walker, and Welch—12.

So the bill passed.

H. B. 89, read third time and passed.

H. B. 102, read third time and passed.

H. B. 104, read third time and passed.

H. B. 105, read third time and passed.

H. B. 96, read third time and passed.

H. B. 106, read third time and passed.

H. B. 107, read second time.

Mr. Starkweather moved bill be referred to a select committee of three, with instructions to amend by reducing the salary of superintendent, and board of convicts.

Whereupon,

Mr. Smith of Linn moved division of question.

Adopted, and committee instructed to amend by inserting "one thousand dollars" instead of "twelve hundred," and not reduce the price of board of convicts.

Bill referred to select committee of three.

Mr. Starkweather appointed chairman of said committee.

H. B. 108, read third time.

Question being,

Shall bill pass?

Yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Brown of Linn, Brown of Multnomah, Collard, Dryer, Lovejoy, Matthews, Smith of Linn, Starkweather, Underwood and Walker—10.

Nays—Messrs. Allen, Avery, Barr, Berry, Cochran, Conser, Gates, Harpole, Moffitt, Munroe, Ray, Rose, Shuck, Smith of Jackson, Welch, and Speaker—16.

Lost.

AFTERNOON SESSION.

Mr. Smith of Jackson, of select committee of three, to whom was referred H. B. 110, reported the same back to the House without amendment.

Mr. Starkweather, from the select committee, to whom was referred H. B. 107, reported the same back to the House with amendments, as instructed.

Bill read a third time.

Question being,

Shall the bill pass?

Yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Avery, Barr, Berry, Brown of Linn, Collard, Cochran, Conser, Gates, Lovejoy, Matthews, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Starkweather, Walker, and Speaker—19.

Nays—Messrs. Allen, Brown of Multnomah, Shuck, Smith of Jackson, Welch—4.

So the bill passed.

H. B. 109, read third time and passed.

C. B. 19, read third time and and passed.

C. B. 20, read third time and passed.

C. B. 21, read third time and passed.

C. B. 22, read third time and passed.

C. B. 26, read third time and lost.

Mr. Avery moved H. B. 90 be taken from the table.

Adopted.

On motion,

Referred to select committee of one.

Mr. Avery was appointed said committee.

Mr. Smith of Linn moved H. B. 88 be taken from the table.

Adopted.

Bill read third time.

A call of the House was demanded.

On motion,

Further call of House dispensed with.

Yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Brown of Linn, Brown of Multnomah, Conser, Dryer, Lovejoy, Matthews, Ray, Shuck, Smith of Linn—12.

Nays—Messrs. Berry, Collard, Cochran, Gates, Harpole, Moffitt, Munroe, Rogers, Rose, Smith of Jackson, Starkweather, Walker, Welch, and Mr. Speaker—14.

Lost.

H. B. 118, read second time.

Rules suspended and bill read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Brown of Linn, Brown of Multnomah, Conser, Dryer, Lovejoy, Matthews, Ray, Rogers, Shuck, Smith of Linn, Walker, Welch, and Speaker—16.

Nays—Messrs. Berry, Collard, Cochran, Gates, Harpole, Moffitt, Munroe, Rose, Smith of Jackson, and Starkweather—10.

So the bill passed.

On motion,

C. B. 17, was taken from the table.

Read third time.

Mr. Welch moved bill be indefinitely postponed.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Allen, Avery, Barr, Berry, Brown of Multnomah, Cochran, Dryer, Harpole, Munroe, Ray, Rogers, Rose, Smith of Jackson, Walker, Welch, and Speaker—16.

Nays—Messrs. Brown of Linn, Collard, Conser, Gates, Lovejoy, Matthews, Moffitt, Shuck, Smith of Linn, and Starkweather—10.

So bill was indefinitely postponed.

Mr. Avery from the select committee of one, to whom was referred H. B. 90, reported the same back to the House with amendment.

Bill read a third time and passed.

H. B. 19, read third time.

Question being,

Shall the bill pass?

The yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Allen, Berry, Brown of Multnomah, Conser, Dryer, Harpole, Lovejoy, Matthews, Shuck, Starkweather, Welch, and Speaker—12.

Nays—Messrs. Avery, Barr, Brown of Linn, Collard, Cochran, Gates, Moffitt, Munroe, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, and Walker—14.

Lost.

H. B. 110, taken up,

On motion of Mr. Smith of Jackson,

Was indefinitely postponed.

H. B. 119, read second time.

Bill considered engrossed, rules suspended, read third time and passed.

H. B. 115, read second time.

Mr. Avery moved to amend bill by striking out the words, "or measurement."

Adopted.

Mr. Smith of Linn, offered the following amendment to bill:

Sec. 11. The Legislative Assembly shall have, and the right and power is hereby reserved to said Legislative Assembly to amend this act after the expiration of five years, and to repeal it altogether after ten years from the passage of the same.

Adopted.

On motion,

Rules were suspended, read third time and passed.

H. B. 116, read second time.

On motion,

Considered engrossed, rules suspended, bill read third time and passed.

H. B. 120, read second time,

Considered engrossed, rules suspended, read third time and passed.

Mr. Conser, chairman of committee on engrossed bills, reported

H. B. 111, as truly engrossed.

H. B. 111, read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brown of Multnomah, Conser, Dryer, Harpole, Lovejoy, Matthews, Moffitt, Ray, Smith of Linn, Starkweather, Underwood, Walker, Welch, and Speaker—14.

Nays—Messrs. Allen, Avery, Barr, Berry, Brown of Linn, Collard, Cochran, Gates, Munroe, Rogers, Rose, Shuck, and Smith of Jackson—13.

So the bill passed.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

Herewith, I transmit

H. B. 95, with Council amendment, which has passed the Council, and concurrence requested in amendment.

On motion,

House concurred in Council amendment to H. B. 95.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to transmit

H. B's 85 and 97, and C. B. 23, which have passed the Council, and concurrence requested in C. B. 23.

C. B. 23, read first time.

On motion,

Rules suspended, bill read second and third times, and passed.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit,

C. B. 14, An act to incorporate the Eugene City Bridge Co.,

To which your signature is respectfully requested.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit H. B's 41 and 68, and

H. M. To congress for military protection.

All of which have been signed by President of Council.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

As instructed, I herewith transmit H. B's 92 and 103, and C. B. 25, which have passed the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

By instructions, I transmit H. B. 59, with information that Council concur in perfection of said bill, by inserting enacting clause.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I transmit

H. M. To congress to make Port Orford a port of entry,

H. M. For survey of Coos Bay,

H. M. To establish military road from Coos river;

H. M. In behalf of widows, &c.,

H. M. For light-house at Cape Argo,

H. M. For removal of land office in Umpqua district,

Which have been concurred in by Council.

Also,

H. B. 15, which has passed the Council.

The Speaker announced he had signed,

H. B's 64, 71, 74, 79, 81, and 82.

Also,

H. J. R. 15, and

H. M. For relief of heirs of Thos. Jeffreys,

H. M. For increase of mail facilities in Oregon.

Mr. Smith of Linn, moved committee of the whole be discharged from further consideration of all matters referred to that committee.

Adopted.

Mr. Shuck moved House adjourn.

Lost.

Mr. Smith of Linn, offered the following:

Resolved, That each and every member of the House of Representatives be and they are hereby authorized to keep and retain bound volumes of the Oregon Statutes, which they were furnished at commencement of the session.

Adopted.

Mr. Smith of Linn, on leave, introduced petition of citizens of Linn county, relative to stock running at large.

On motion,

Laid on the table.

H. B. 78, taken up,

On motion,

Indefinitely postponed.

H. B. 4, was taken from table.

Read third time.

Question being,

Shall the bill pass?

The yeas and nays being demanded, resulted as follows:

Yeas.—Messrs. Berry, Conser, Gates, Harpole, Matthews, Moffitt, Rogers, Rose, Smith of Linn, and Speaker—10.

Nays.—Messrs. Allen, Avery, Barr, Brown of Linn, Brown of Multnomah, Collard, Cochran, Dryer, Lovejoy, Munroe, Ray, Shuck, Smith of Jack., Starkweather, Underwood, Walker, and Welch—17.

So the bill was lost.

On motion,

The House adjourned.

I certify that foregoing is a true copy of the journal of the House of Representatives for Jan. 27, 857, as approved by the House, Jan. 28, 1857.

D. C. DADE,

Chief Clerk of the House of Representatives.

WEDNESDAY, JANUARY 28, 1857.

The House met pursuant to adjournment.

Absent—Messrs. Avery, Bennett, Johnson, Miller, Munroe, Underwood, and Welch.

Prayer by the chaplain, Rev. Mr. Pearne.

Journal of yesterday read and approved.

Mr. Lovejoy, from joint committee on enrolled bills, reported the following, as truly enrolled:

H. B's 85, 108, and 97, and

H. M. For light-house at Cape Argo,

H. M. To establish military road from Coos river to the Scottsburg and Myrtle creek road,

H. J. M. To congress in behalf of widow and orphans surviving Indian massacres, also,

H. B's 62, 51, 67, 43, 61, 80, 76, and

H. J. R. 14, Respecting adjournment *sine die*.

C. B. 25, read first time.

Rules suspended, bill read second time.

Mr. Smith of Linn, offered following amendment:

Amend the 4th section, by striking out all after the word "the," in the 2d line, and inserting the following, to-wit:

Publisher of the territorial newspaper to forward one copy of each and every edition of said paper containing an estray notice or notices, to the auditor of each and every county in the Territory; and it shall be and is hereby the duty of said auditors to file and keep in their respective offices, the aforesaid copies of said newspaper, for the inspection of the public.

Adopted.

On motion,

Rules were suspended, bill read third time.

Question being,

Shall bill pass?

Yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Allen, Berry, Brown of Linn, Collard, Cochran, Conser, Gates, Harpole, Matthews, Moffitt, Ray, Rogers, Rose, Shuck, Smith of Linn, Starkweather, Underwood, Walker, and and Speaker—19.

Nays—Messrs. Avery, Barr, Brown of Multnomah, Dryer, and Smith of Jackson—5.

So the bill passed.

The Speaker announced he had signed,

H. B's 53, 51, 59, 61, 62, 67, 76, 80, 85, 97, 103, and

H. M. To congress in behalf of widows and orphans surviving Indian massacres,

H. J. R. 14,

H. M. To congress for appropriation for light-house at Cape Argo,

H. M. To congress for establishing military road from Coos river
Also, C. B. 14.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I transmit
H. B. 109, 102, and 103, which have passed the Council.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

Herewith, I transmit
H. B's 89, 90, 100, and 105, which have passed the Council.
On motion,
The House adjourned.

AFTERNOON SESSION.

Mr. Gates introduced the following resolution:

WHEREAS, the clergy of Salem, have in response to the invitation of the House of Representatives, promptly and with great apparent cheerfulness, officiated as chaplain at the opening of each day's session; ther fore,

Be it Resolved, That the thanks of this House are hereby cordially tendered to the clergy for the respectful and appropriate manner in which they have discharged this religious duty.

Adopted.

Mr. Lovejoy, chairman of joint committee on enrolled bills, reported the following as truly enrolled:

H. B. 15, 59, and 95, and also,
H. J. M. To congress for official survey of harbor of Coos Bay,
H. J. M. To congress to make Port Orford a port of entry.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed by the president to transmit
H. B's 116 and 119, also,
H. B. 94, with amendment; all of which have passed Council.

On motion,

House concurred in Council amendment to H. B. 94.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am directed by the President of the Council to transmit

H. B. 64, 71, 77, 79, 81, and 82.

H. M. For relief of heirs of Thos. Jeffreys.

H. M. For increase of mail facilities in Oregon.

H. J. R. 15.

Which have been signed by the president, also,

C. B's 19, 21, 22, and respectfully request your signature.

Mr. Smith of Linn, offered following resolution:

Resolved by the House, the Council concurring, That when the respective Houses adjourn, they will take a recess until 7 o'clock, P. M., and that when they adjourn for the day, they will adjourn to meet at five minutes after 12 o'clock, M., on Tuesday morning, January 29.

Adopted.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

By instructions, I transmit Council act,

To incorporate the Cascade road and bridge company,

And request your signature. Also,

C. B. 27, which has passed Council for concurrence of House.

Mr. Smith of Linn, introduced following resolution:

Resolved, That the unqualified thanks of this House are eminently due, and they are hereby most cordially tendered to the Hon. L. F. Grover, the Speaker of the House, for the prompt, able, and impartial manner in which he has discharged the duties of the chair.

Adopted.

Mr. Smith of Linn, offered the following resolution:

Resolved, That the thanks of this House are hereby tendered to

the chief clerk and other officers of the House, for the prompt and faithful performance of their respective duties.

Adopted.

On motion,

House took a recess until 7 o'clock.

EVENING SESSION.

House met pursuant to adjournment.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

As instructed by the President, I herewith transmit H. B's 107 and 118, with amendment to each, which have been adopted by the Council and bills passed.

On motion,

House concurred in Council amendment to H. B. 107.

On motion of Mr. Moffitt,

House refused to concur in Council amendment 1, to H. B. 118.

Mr. Lovejoy moved House refuse to concur in Council amendment 2, to H. B. 118.

Adopted.

On motion,

House concurred in Council amendment 3, to H. B. 118.

Mr. Lovejoy, chairman of joint committee on enrolled bills, reported

H. B's 106, 109, 119, 116, 92, 102, 112, and 90, as truly enrolled.

A message from the Council, by their clerk, Mr. Watt:

MR. SPEAKER:

As instructed, I herewith transmit Council acts—

To incorporate the Oregon Woolen Manufacturing Co.,

An act to repeal a part of an act entitled "An act to amend an act relating to estrays or property lost or unclaimed,"

For your signature.

The Speaker announced he had signed,

An act to incorporate the Oregon Woolen Manufactoring Co.,

An act to repeal a part of an act entitled "An act to amend an act entitled an act relating to estrays or property lost or unclaimed,"

H. B. 90, 92, 112, 106, 109, 119, 102, 89, and 113, and

H. M. To remove land office from Winchester to Roseburg.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I herewith transmit

H. B's 62, 67, 74, 76, 103, 95, 15, 97, 50, 80, 85, 43, 51, 59, and 61; also,

H. M. To congress for appropriation of $20,000 for military road.

H. M. To congress for appropriation of $20,000 for light-house,

H. M. To congress for official survey of harbor at Coos Bay,

H. M. To congress to make Port Orford a port of entry,

H. M. To congress in behalf of widows and orphans,

H. J. R. 14,

H. J. R. 10, with amendment accompanying, has passed Council.

Mr. Smith of Linn, moved House refused to concur in Council amendment 1, to H. J. R. 10.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Berry, Brown of Linn, Collard, Cochran, Conner, Harpole, Lovejoy, Matthews, Moffitt, Ray, Rogers, Rose, Smith of Linn, Smith of Jackson, Walker, and Speaker—16.

Nays—Messrs. Allen, Barr, Brown of Multnomah, Dryer, and Underwood—5.

So the House refused to concur.

On motion,

House concurred in Council amendment 3, 4, and 5, to H. J. R. 10.

Mr. Smith of Linn, moved H. J. R. 10, be adopted as House resolutions.

Adopted.

Mr. Lovejoy moved a committee of three be appointed as committee on conference with the Council on Council amendment to H. B. 118.

Messrs. Lovejoy, Moffitt, and Collard, were appointed said committee.

On motion,

House adjourned to meet to-morrow morning at 8 o'clock.

I certify that the foregoing is a true and correct copy of the Journal of House of Representatives of Oregon Territory for Jan. 28, 1857, as approved,

D. C. DADE,
Chief Clerk House Representatives.

THURSDAY, JANUARY 29, 1857.

House met pursuant to adjournment.

Absent—Messrs. Bennett, Brown of Linn, Brown of Multnomah, Gates, Johnson, Miller, Munroe, Ray, Rogers, Rose, Smith of Linn, Starkweather, Underwood, and Welch.

Journal of yesterday read and approved.

Mr. Lovejoy, chairman of joint committee on enrolled bills, reported the following as truly enrolled:

H. B's 105, 107, and 95.

A message from the Council, by Mr. Watt, their clerk:

MR. SPEAKER:

I am instructed to inform the House that Council has completed all business before it, and is now ready to adjourn, *sine die*.

The Speaker announced he had signed the following:

H. B's 107, 105, and 94.

Mr. Lovejoy moved

The House adjourn, *sine die*,

Whereupon,

The Speaker rose and said:

GENTLEMEN:—

The hour has arrived, when by your order this body will adjourn, *sine die*.

It is a pleasure to me to say that of all the sessions of this Assem-

bly, of which it has been my fortune to be a member, none have been conducted with equal decorum, general harmony, and good feeling.

While great and conflicting interests have divided members, on questions under consideration, the debates have been conducted with that manly frankness and fairness which reflect credit on the House, and the result of great issues have never interrupted that urbane bearing of member toward member, which I am happy to have witnessed in the deportment of those here assembled.

The legislation which has been consummated, is important and will, I feel assured, effect the permanent good of the country.

It has been my endeavor to preside impartially, and to administer the duties of the chair justly, and I hope it may be permitted me to count, as an evidence of success, the fact, that in no instance, has a decision of the Speaker been appealed from or questioned by the House.

Wishing you all a safe journey to your homes and a happy reunion with your families and constituents, I pronounce this House dissolved.

I certify the foregoing is a true copy of House Journal of Jan. 29, 1857.

D. C. DADE,
Chief Clerk of the House of Reps.

Signed:

L. F. GROVER,
Speaker of the House of Representatives.

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APPENDIX.

GOVERNOR'S MESSAGE.

Gentlemen of the Council,
and House of Representatives:

The unqualified and distinct separation of our Executive and Legislative Departments is a peculiar feature of the act of Congress organising the Government of our Territory. I have no disposition to find fault with this original principle of withholding from the Executive, authority co-ordinate with the law-making power, but, on the contrary, I commend it as most wise and salutary in a system of government so imperfect and unsatisfactory as that to which the people of the Territories have been constrained to submit. This characteristic of our fundamental law, it is presumable, has been the cause of the non-observance of the custom, usual elsewhere, of an elaborate and digested expression from the Executive to the Legislative Department of the Government, at the commencement of each session, as to the condition and wants of the country; at least since I have held the position I now hold, whilst I have been ready, at all times, to co-operate with the Legislative Assembly, in every legitimate way, it has always influenced me to an earnest carefulness against any act that might be construed into an improper interference of one department with the duties of another. However, the courteous action which you have been pleased to take, which has been communicated to me through your authorized delegation, would seem to invite me to the gratification I now take in exercising the privilege of thus addressing you, hastily and without the accustomed preparation.

The calamitous events which had befallen the Territory, and the serious and threatening posture of affairs, which existed at the period of the commencement of the last session of the Assembly, had occasioned the profoundest anxiety and excited the gloomiest apprehensions. All our energies were employed in repelling the attacks of hostile Indians—in a desperate warfare with a treacherous and faithless race, who had devastated most flourishing sections of our country—car-

ried desolation and sorrow to the homes and spirits of our settlers, in the destruction of their fortunes, and the wanton butchery of their helpless families.

It is a matter of the sincerest congratulation that the aspect of things has so much changed. A more cheerful feeling is assuaging the anguish and suffering of the past, and the Territory is gradually recovering from the ruinous effects of a calamity so great. To the courage, gallantry, and indomitable spirit of our citizen soldiery, is Oregon chiefly indebted for that protection and defense which the General Government did not afford. During a winter campaign they endured incredible hardships and privations. Poorly clad, and for weeks subsisting upon the flesh of their own horses, unflinchingly and courageously they maintained their posts—far out in the enemy's country at the North, and amid the snow-piled mountains in the South—with a fidelity worthy of the highest encomiums. A resolution of thanks, in the name of the Territory, is due them for their meritorious and arduous services.

The memory of those who perished in the cause of their country, during the war, may be preserved in the pages of its history, but it would seem proper, by the erection of a monumental column, at the seat of government, or by some other appropriate mode, to testify the public appreciation of the services, and to perpetuate the memory of the honored dead. They were true to Oregon.

The inactive and imbecile policy pursued by the officer commanding the United States troops, upon the Pacific coast, at a very critical juncture, and his more reprehensible conduct in the vindictive efforts he has made, through the press, and by his letters and reports at Washington, to asperse and malign the people of the Territory, may have had a tendency to prejudice them against the army.

This valuable arm of the public service, which is designed for the protection of the country, and to assure the lives and property of those who deem it a duty to support it, has always enjoyed a high reputation for efficiency and gallantry, and I have no doubt under the command of other than superannuated officers, will continue to maintain its brilliant character. I have heretofore acknowledged its valuable aid, before its operations were controlled by a commanding officer whose head quarters were in an adjoining State, remote from the theatre of war.

Oppressed by the deepest anxiety, on account of the grave accusations, so unwarrantably made, against the people of the Territory, in which I was charged with the grossest violation of right, I deemed it my duty to visit the seat of our national government, and confuting those accusa-

tions and charges, to know wherein we did wrong in defending ourselves from Indian aggression and barbarity.

It is enough for me to say, that in the great capital of the nation I found no accusations that could be sustained, no one of respectability and influence to do us injury. While abroad, I found the name of Oregon, a name commanding respect, and receiving distinguished consideration. The great and worthy of the land appreciate and hold in high estimation, the brave, industrious, and enterprising character of her people. The delegate of the Territory was at his post, faithful and watchful; and it affords me pleasure to be able to bear personal testimony of his worth, ability and efficiency. His unflagging zeal, and indefatigable industry, procured us Congressional legislation in reference to the expenses of the war, when there seemed no hope of such a consummation. That legislation gave authority to the Secretary of War to appoint three commissioners to adjust those expenses, which duty he has performed.

These commissioners have met and organized, and are ready to proceed to the discharge of the trust assigned them, so soon as the chiefs of the departments of the Territory are prepared to furnish their reports. The commission is composed of able, upright, and high-minded gentlemen, and is entitled to the respect and confidence of the whole community.

The Quartermaster, Commissary and Adjutant Generals, under my orders, have been, and are, assiduously engaged in making up the complete and final reports of the entire transactions of their respective departments, to be presented to the Commissioners who are to adjust the expenses of the war. I have learned, unofficially, of the passage of resolutions by one House of the Assembly calling upon the Quartermaster and Commissary Generals for detailed reports of their operations. The great press of business that engrosses the unremitting attention of these two important branches of the public service, will, I am apprehensive, prevent an early and full compliance with the requirements of those resolutions. I am sure it would be a matter of general regret, where so large an interest is concerned as in the present case—that of the whole Territory—should the final reports of these departments be delayed in reaching the speediest action of the Commission, upon whose adjudication the accounts of the numerous claimants will ultimately be paid.

These officers are controlled by my orders, acting under my own immediate direction and observation, in behalf of the Territory, for the United States, and while I am aware that efforts have been made, to

prejudice them in public estimation, I hesitate not to say, that I believe them capable, honest and faithful, and I cannot withhold from them my confidence. I beg to assure you that I shall cause all the important information to be derived from these reports, when prepared, which it is presumed will be about the 10th of next month, to be laid before you.

While in the city of New York, I expended five undred dollars in the purchase of books for the Territorial Library, being the amount of an appropriation made by the last Congress for such purpose. As soon as the books shall have been received, (and they are expected by every steamer) I will cause them to be placed in the possession of the Territorial Librarian, with a catalogue and other papers pertaining to the purchase.

The "Commissioners for the construction of a Penitentiary," elected at the last session of the Assembly, failed to qualify, with one exception. The vacancies were filled by appointment, and I am happy to say that the Commissioners have displayed superior ability, and discharged their duties with energy and fidelity. What they have accomplished I make do doubt will be to your entire satisfaction. As the Board, in accordance with the law, do not report to the Executive, but directly to the Assembly, I respectfully refer you to that document for information, in detail, as to the progress and condition of this public work.

I have the honor to transmit, herewith, as the law requires, a statement of the condition of the fund for the erection of Capitol Buildings, also, a communication from the First Comptroller of the Treasury, in reference to the decision of that office in regard to balances due for services performed, and damages claimed by contractors on that work, and allowed at the session of the Assembly of 1854 and '5. Seventeen thousand dollars, of the moneys appropriated by Congress, to complete the Capitol Building, remain still in the Treasury of the United States.

I have likewise the honor to submit herewith, a copy of correspondence with the Secretary of War in relation to Indian Affairs.

At the risk of a violation of propriety, I take the liberty to observe that, in my judgment, any legislation whatever, at your present session, with a view *to a re-location of* the seat of government, under the existing circumstances, as the subject is regarded by the authorities at Washington, in a light adverse to the application of the fund at any new point, would be injudicious and unproductive of any benefits to your constituents. The subject has been one that has, more or less, engaged the time and attention of every session of the Assembly. It is one too, upon which there has been a great diversity of opinion, and which has already caused too much unkind and bitter feeling. It is a matter, pos-

sibly, that can be satisfactorily adjusted only by the creation of a State Government. In view of the probability of a speedy consummation of such a measure, it would appear the part of wisdom to defer its further agitation until that event shall have transpired.

The organization of a State government for Oregon, with the experience obtained at Washington, in reference to the position and treatment of territorial interests there, I deem a subject of the first consequence. There are so many disadvantages and positive grievances entailed by the territorial form of government that, in the acquisition of new territory, by the United States, the consideration of congress must inevitably be given to the remodeling and improvement of the whole system. The noble principle enunciated in the Kansas-Nebraska act is a step in the advance, and may be regarded as an evidence of the encouragement that is in the future in this respect. The Indian difficulties upon our frontiers have, and will, for a time, deter an increase of our population by the ordinary means of overland immigration, which has been the usual source of important yearly accessions, chiefly to the agricultural class of our inhabitants. Hundreds of industrious and enterprising people would have started from the States, in the ensuing spring, by the overland route, to make their homes in Oregon, but for the unprotected condition of the route. Military posts at Fort Boise and Fort Hall are imperatively required to insure safe and unobstructed travel in the Indian country, and as links to connect the chain of such establishments on either side of the mountains.

An independent sovereignty will be certain to induce, by the only other means of access, a character of population, differing in interest; but quite as requisite to the permanent prosperity of the country. Capital, with her keen vision, would seek investments here. Our natural resources, as yet comparatively untouched, would be put in process of development. In the train of capital will follow labor. There is no section of the whole Union where the attainment of wealth is easier, or more certain, or the means of its accumulation more various, than in Oregon. Our wants are manifold. In the Halls of our National Legislature a State demands and receives, while a Territory beseeches, and is disappointed.

A State organization, based upon the principles of economy—guarding against extravagant expenses, high salaries, and excessive legislation—I am confident would be satisfactory, successful, and prosperous. It is not for me to advise as to the manner in which you shall submit this subject to the people, and yet I would suggest the mode that will secure the speediest determination as the best.

The election for President of the United States has just transpired, with more excitement than is usually incident to this quadrennial occurrence. For the first time in the history of the nation the candidate of a purely sectional party, powerful in numbers, has been sought to be elevated to power. The consequence of this was to have been foreseen. The whole nation was convulsed, and the Union threatened with dismemberment in the event of the success of that party. But, fortuntately for the country, the candidate of the democratic party has been elected. This party, the party of progress, from the triumph of its principles in the successful achievement and application of its measures for the public good, has become pre-eminently the party of the Union and the Constitution—the preserver of the Republic.

In conclusion, I assure you that it will afford me pleasure to co-operate with you, as may be desirable, in the advancement of the public good. May "He who ruleth all things well" have you in his holy keeping, bless your deliberations with harmony, and make them promotive of the interests and welfare of the Territory.

GEO. L. CURRY.

TERRITORY OF OREGON, EXECUTIVE OFFICE,
Salem, December 10, 1856.

ACCOMPANYING DOCUMENTS.

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, Oct. 18, 1856.

His Excellency, GEORGE L. CURRY,
Governor, Treasurer, &c., Salem, O. T.:

SIR:—I now proceed respectfully to reply to the joint statement or letter dated at Salem, June 1st last, and addressed to this office by E. M. Barnum and A. W. Ferguson, Esqs., late commissioners for the erection of the Territorial Capitol buildings, which were destroyed by fire December 30, 1855, on the subject of five several claims growing out of work upon said buildings, as hereinafter stated.

This statement or letter, (report,) you left at this office, upon your recent visit, and you desired, after making explanations in the matter, that the views of the office might be given on the points presented. You also had the kindness to leave a letter to you from Mr. Barnum, of June 18, enclosing said joint report, and a letter to you of June 17, from Mr. W

Chapman, one of the claimants. The Council Journal of the session of 1854–'55, transmitted to you by Mr. Barhum, was also left.

I have examined the statement of the late commissioners, carefully, and have to remark, it is a paper drawn up with care, and is a plain exposition of the matters presented.

It seems that a joint committee of the two Houses of the Territorial Assembly, in January, 1855, reported upon these claims, and that the committee, in reporting thereon, in two instances at least, included an amount due for; or, as damages, upon the unfinished portion of contracts not executed, &c., &c. I recapitulate these claims as presented—

1st. Cox & Palmer, contractors for entire painting and glazing, due for work actually done, &c.,	$1,100 00
For window glass, cutting and setting,	192 00
	$1,292 00
For balance due as damages for the unfinished portion of the contract,	300 00
Total,	$1,592 00
Deduct draft No. 40, paid,	1,100 00
Balance reported as due,	492 00
Deduct amount reported for damages,	300 00
Balance found due by this office,	$192 00
2d. Wiley Chapman, contractor to furnish material, and to perform all the lathing and plastering for work actually done, &c., &c.,	984 57
For estimated damage on contract,	1,000 00
Also, for additional profit,	250 00
Total,	$2,234 57
Deduct draft No. 39, paid,	864 57
Balance reported as due,	$1,370 00
Deduct amount reported for damages, and additional profit,	1,250 00
Balance found due by this office,	$120 00
3d. Chas. Bennet, contractor for the construction of foundation walls, portico, &c., (killed in battle Dec. 7th, 1856, and Mrs. Mary Bennet, executrix, as stated.)	

Balance due on contract for work actually done, - - -	125 00
"Allowance for balance" due on portico foundation, - -	500 00
Total due Mr. Bennet, as reported, - - - -	$625 00

and if the item of $500 00 included is not on account of damages, the whole amount is due.

4th and 5th. Claims of Messrs E. M. Barnum and A. W. Ferguson, late commissioners for service on different days from Dec. 13th, 1854, to January 26th, 1855, viz:

A. W. Ferguson, 5 days' service as commissioner—5 days at $5, - - - - - - - - - - - -	$25 00
E. M. Barnum, 17 days' service as commissioner and president, at $5, - - - - - - - - - - - -	85 00

The allowance reported for damages, as aforesaid, is based upon the fact that the Legislature at the session of 1854–'55, removed by enactment, the seat of government from Corvallis, and that the work was suspended. Afterwards, to-wit: at the session of 1855–'56, the seat of government was relocated at Salem, and the Halls occupied by the Assembly for two or three days; but, that on the 30th December, they were burned, before the contractor had time or opportunity to complete the contract. There is no need of reference to the previous correspondence; respecting the removal of the seat of government, and the views that were entertained by the department, as communicated to yourself and to Mr. Secretary Harding; but in connection with the subject matter under consideration, I deemed it to be proper that I should resort to the proceedings had, with the view to a perfect understanding.

It is now my duty to inform you, however reluctant I may be to do so, that the department has no discretion in the matter of allowing damages, without special authority conferred by congress. This is the practice that has been observed from the commencement, and, therefore, I am obliged to instruct you not to pay any amount or balance that will include damages or additional profits. I think the claims of Messrs. Barnum and Ferguson should be paid, as the service was rendered before the seat of government was removed to Corvallis—and this, allow me to remark, is the whole gist of the matter—namely, that work that was actually put into the building, is payable, and none other, with the present authority. The Legislature, in its discretion, has the power to relieve, out of the Territorial Treasury, or the respective amounts disallowed, can be presented for the action of Congress.

Be pleased to make up separate vouchers in each case, as reported

herein, referring to this letter by its date. The accounts you should render without delay, that you may be instructed how to proceed in reference to the balance that may be found due the United States.

Most sincerely, yours,

ELISHA WHITTLESEY,
Comptroller.

REPORT ON CAPITOL FUND.

EXECUTIVE OFFICE, *Salem, Dec.* 10, 1856.

To the Council and House of Representatives of Oregon Territory:

In accordance with the third section of the law providing for the erection of the Public Buildings, I have the honor to submit the subjoined report of the disbursements and condition of the fund appropriated by congress for such purposes.

Balance unexpended, as reported on January 15, 1856, - $4,741 76

Date of draft.	In whose favor.	Amount.
Dec 30th, 1854,	Alvis Kimsey, - - - - -	$50 00
Dec. 4th, 1856,	E. M. Barnum, - - - - -	85 00
Dec. 8th, 1856,	A. W. Ferguson, - - - -	25 00
	Balance in my hands, - - - -	4,581 76
		$4,741 76

Respectfully submitted.

GEO. L. CURRY.

SECRETARY OF WAR IN RELATION TO GEN. WOOL.

WASHINGTON, *August* 14, 1856.

Hon. JEFFERSON DAVIS, *Secretary of War:*

SIR:—Since my arrival at Washington, my attention has been drawn to certain letters from Gen. John E. Wool, addressed to the Department

of War, and the newspaper press of the day, in reference to the Indian war in the Territories of Oregon and Washington.

I have no controversy with Gen. Wool, and I most cheerfully confide in the government to determine whether there is not just cause of complaint against this distinguished officer.

If his official action as chief in command of the department of the Pacific, requires him to resort to such means to justify himself, as exhibited in his vindictive efforts to manufacture public opinion, and to prejudice the government against the people of those Territories, then I have to say that it may well be questioned whether that conduct can stand the test of honest and faithful investigation.

I desire to have it understood, that I am ready at any moment to be held to the strictest accountability for all my undertakings, in defending the people of Oregon from Indian aggression. I have the honor to call your attention to the enclosures, herewith, with the request that they may be properly filed for future reference.

I am, respectfully,

Your obedient servant,

(Signed,) GEO, L. CURRY,

Gov. of Oregon.

WASHINGTON, *August* 23, 1856.

Hon. JEFFERSON DAVIS, *Secretary of War:*

Inasmuch as the policy pursued by the government in Indian affairs in Oregon has concentrated in the midst of the settlements in that Territory a large number—several thousands—of Indians, who have been engaged, more or less, in hostilities against the settlers of the Territory, I feel it my duty, before leaving this city, to request that a strong force of U. S. troops may be constantly maintained in the vicinity of the reservation whereupon those Indians have been located, for the purpose of guarding and protecting the country against any sudden outbreak. In general terms, I have to remark that experience has shown that the Indians of our Territory are faithless and treacherous, and, in my judgment, would only seek a favorable opportunity for successful massacre and depredation.

I am, very respectfully,

Your obedient servant,

GEO. L. CURRY,

Gov. of Oregon.

WAR DEPARTMENT, *Washington, Sept.* 11, 1856.

To His Excellency, GEO. L CURRY, *Governor of Oregon*.

SIR:—I have the honor to acknowledge the receipt of your letter of the 23d ultimo, requesting that a strong force of U. S. troops may be constantly stationed in the vicinity of the resarvation whereon the Indians in Oregon have been located, for the purpose of guarding and protecting the country against any sudden outbreak.

In reply, I transmit you herewith a copy of a report from Licut. Rob't C. Buchanan, showing the disposition made of the troops for the protection of the reservation referred to by you, and to state that the troops thus posted are considered sufficient for the object contemplated.

Very respectfully,

Your obedient servant,

JEFFERSON DAVIS,

Secretary of War.

EXTRACT of a letter of Col. Buchanan to the Adjutant General, dated Washington, September 1, 1856:

"In compliance with your request, I submit the following memorandum of the measures taken to secure the safe keeping of the Indians recently removed by me from southern Oregon to the "Coast Reservation." The reservation is 125 miles long and about 25 miles wide—bounded on the west by the Pacific ocean, and on the east and north by the coast range of mountains which are said to touch the coast at its northern extremity. From the existing settlements to the reservation there are as yet known but *three* passes over the mountains—one towards the north-eastern extremity, near the town of Dayton — another towards the middle, near the town of Corvallis, called Marysville on the maps—and the third at the southern extremity, immediately along the sea coast. At these three points I have ordered new posts to be established and garrisoned as follows. At the first, two companies, Capt. A. J. Smith's 1st Dragoons, and Capt. D. Floyd Jones' 4th Infantry. This post will be supplied from Fort Vancouver by means of steamboats to Dayton, from whence it is distant 25 miles. At the second, one company, Capt. Augur, 4th Infantry. This will also be supplied from Vancouver, by way of Corvallis, distant about 25 miles, to which point steamboats are running regularly.

At the third, one company, Capt. and Brevet Major J. F. Reynolds' 3d Artillery, which will be supplied from San Francisco by way of the mouth of Umpqua, from which it is distant 20 miles. Since the close of my campaign, there have been removed to the reservation about 2,200 Indians, of which number 1,225 were those who had been in arms and fighting against us. The commanding officers of posts have positive orders not to allow any whites to visit the reservation unless they actually be in the employment of the Superintendent of Indian Affairs, and this officer is required to furnish them with a list of his employees. These arrangements, if not interferred with, will, in my opinion, ensure the tranquillity of that section of the Territory. The reservation abounds in game of various kinds, is well watered by several streams emptying into the ocean, which afford a bountiful supply of salmon and other fish —contains sufficient arable land for raising grain and vegetables—is heavily timbered and rich in nuts, roots, and other articles of food such as these Indians have always been accustomed to, and has not yet been considered as worth occupying by the whites. It is to be hoped that no efforts to break up this reservation and remove the Indians will be sanctioned by the department, for it will be impossible to find a more eligible situation for it."

I am, sir, respectfully,

Your obedient servant,

ROB'T C. BUCHANAN,

Brevet Lt. Col. Maj. 4th Infantry.

To Col. S. Cooper, *Adj. Gen. U. S. A., Washington, D. C.*

REPORT

Of the Auditor of Public Accounts for the Fiscal year ending December 6, 1856.

TERRITORIAL AUDITOR'S OFFICE,
Salem, Dec. 6, 1856.

To the Honorable the Legislative Assembly
Of the Territory of Oregon:

I herewith transmit to you, as required by law, my annual report of the financial condition of the Treasury Department of the Territory of Oregon, for the fiscal year ending Dec. 6, 1856.

The amounts of Territorial revenue paid into the Treasury during the last fiscal year, are as follows:

From	Benton County,	$1,068 63
"	Clackamas "	961 09
"	Clatsop "	228 91
"	Columbia "	228 43
"	Curry "	
"	Coos "	184 62
"	Douglas "	593 00
"	Jackson "	442 25
"	Josephine "	
"	Lane "	1,225 00
"	Linn "	1,450 00
"	Marion "	454 80
"	Multnomah "	1,169 52
"	Polk "	1,132 35
"	Tillamook "	15 36
"	Umpqua "	766 00
"	Washington "	1,080 18
"	Wasco "	
"	Yamhill "	898 26
	Total receipts,	$11,898 39

Amount in hands of Territorial Treasurer at commencement of last fiscal year, Dec. 6, 1855, - - - -	275 03
Total, - - - - - -	$12,173 42

The number and amounts of warrants issued from this office, during the last fiscal year, are as follows:

1856.	No.		Amount.
Jan. 19,	1	W. G. T'Vault, for services as prosecuting attorney for 3d judicial district, from July 1, 1855, to January 1, 1856,	$ 150 00.
" 19,	2	Joseph Sloan, on account of services procured in hauling for penitentiary,	9 00
" 19,	3	A. D. Shelby, for blankets and clothing sold to commissioners of penitentiary for use of convicts,	78 50
" 19,	4	Henry L Turner, heir of the estate of John C Turner, amount on deposit with treasurer,	87 75
" 21,	5	Andrew Hood, for services as guardian of Thomas Hood, (insane,)	120 00
" 21,	6	Hiram Smith, for services as guardian of widow Kimbly, (insane,)	113 40
" 22,	7	Geo. K. Sheil, for services as prosecuting attorney of 1st judicial district, from July 1, 1855, to January 1, 1856,	250 00
" 28,	8	R E. Stratton, for services as prosecuting attorney of 3d judicial district, from June 30, to December 30, 1855,	150 00
" 29,	9	Presley Scott, for services as guardian of Hamilton Richey, (insane,)	502 75
" 29,	10	Presley Scott, for services as guardian of Hamilton Richey, (insane,)	207.70
" 29,	11	B. F. Harding, for services in making abstracts of vote on State Convention for publication,	13 50
" 30,	12	Thomas S. Brandon, for services as prosecuting attorney of 2d judicial district, from July 1, 1856, to January 1, 1856,	250 00

1856.	No.		Amount.
Jan. 31,	13	N. Huber, for services as University Land Commissioner, for quarter ending January 31, 1856,	$80 00
Feb. 8,	14	Joseph Sloan, for services as keeper of penitentiary three months ending January 31, 1856, and for boarding nine convicts same time,	841 43
" 8,	15	Joseph Sloan, on account of clothing furnished convicts,	13 35
" 8,	16	C. A. Pickett, for services as assistant keeper of penitentiary for quarter ending February 1, 1856,	150 00
" 9,	17	John H. Couch, as per act of Legislative Assembly, passed January 18, 1856, for relief of pilot commissioners,	250 00
" 17,	18	Andrew Hood, for services as guardian of Thomas Hood, (insane,)	65 00
" 17,	19	John W. Bell, for services as guardian of William Needham, (insane,)	46 88
Mar. 18,	20	C. C. Godley, for services as guardian of Absalom Taylor, (insane,)	34 50
" 28,	21	S. Anderson & Co., on account of materials furnished penitentiary,	22 85
" 22,	22	James Burk, on account of materials furnished penitentiary,	50 00
April 2,	23	Roberts & Shartle, for services in procuring monument to memory of Hon Samuel R Thurston, as per act of Assembly,	500 00
" 15,	24	Hector Campbell, for services in appointing guardian for Thomas Hood, and certifying to guardian claims, &c.,	8 65
" 16,	25	Richard Hoyt, as per act of Legislative Assembly, passed January 18, 1856, for relief of pilot commissioners,	250 00
" 18,	26	S Huelat, for services in conveying convict to penitentiary,	13 60
" 18,	27	S. Huelat, for services in conveying convict to penitentiary,	9 60

1856.	No.		Amount.
May 3,	28	R. B. Wilson, for medical services to penitentiary convicts,	35 00
" 6,	29	Joseph Sloan, for services as keeper of penitentiary from January 31, to May 1, 1856, and for boarding convicts same time,	756 46
" 6,	30	Joseph Sloan, for clothing furnished penitentiary convicts,	24 00
" 6,	31	C. A. Pickett, for services as assistant keeper of penitentiary, from February 1, to May 1, 1856,	150 00
" 6,	32	S. Huelat, for services in conveying convict to penitentiary,	15 60
" 6,	33	Joseph Sloan, as per act of Legislative Assembly, passed January 18, 1856.	150 00
" 6,	34	Joseph Sloan, as per act of Legislative Assembly, passed January 18, 1856,	50 00
" 16,	35	Thomas Scott, as per act of Legislative Assembly, passed January 30, 1855,	412 00
June 5,	36	C. C. Godley, for services as guardian of Absolom Taylor, (insane,)	128 28
" 25,	37	John Earl, for services as guardian of John Sultsberger, (insane,)	47 12
" 26,	38	N. Huber, for services as University Land Commissioner,	375 00
July 7,	39	Treasurer of Multnomah county, as per act of Legislative Assembly, for relief of said company, et al., passed January 15, 1856,	143 80
" 9,	40	W. G. T'Vault, for services as prosecuting attorney of 3d judicial district, from 1st of January to 1st of July, 1856,	150 00
" 9,	41	George K. Shiel, for services as prosecuting attorney of 1st judicial district, from 1st of January to 1st of July, 1856,	250 00
" 14,	42	Jacob Hammer, for services as guardian of Henry Shepherd, (insane,)	157 50
" 23,	43	R. E. Stratton, for services as prosecuting attorney of 3d judicial district, from January 1 to July 1, 1856,	150 00
" 28,	44	B. F. Bonham, for services as Territorial Auditor, from January 1 to July 1 1856.	150 00

1856.	No.		Amount.
July 29,	45	Joseph Church, for services as guardian of Chevalier Richardson, (insane,)	528 00
Aug. 1,	46	Joseph Sloan, for services as keeper of penitentiary, from May to August 1, 1856, and for boarding convicts same time,	667 86
" 1,	47	Joseph Sloan, for sundries furnished penitentiary convicts,	88 75
" 1,	48	C. A. Pickett, for services as assistant keeper of penitentiary, from May 1 to July 31, 1856,	150 00
" 1,	49	William McMillen, for services in conveying two convicts to penitentiary,	8 60
" 8,	50	N. Huber, for services as University Land Commissioners,	65 00
" 11,	51	R. E Wiley, for services as guardian of insane person,	136 50
" 21,	52	A. Roberts, for services in procuring monument to memory of late Hon. Samuel R. Thurston, as per act of Legislative Assembly, passed Jan 30th, 1855,	300 00
" 21,	53	P. A Marquam, for services as prosecuting attorney, *pro tem.*, for 2d judicial district, from 1st Monday of March to 4th Monday of June, 1856,	152 78
Oct. 6,	54	B. F. Harding, for services in distributing laws and journals of the session of Legislative Assembly,	100 00
" 21,	55	Treasurer of Columbia county, as per act of Legislative Assembly, passed Jan. 15, 1856, for relief of said county, *et al*,	133 92
" 21,	56	Treasurer of Columbia county, as per act of Legislative Assembly, passed Jan. 15th, 1856, for relief of said county, *et al*,	55 12

The following warrants were issued by my predecessor after expiration of fiscal year ending December 6th, 1855:

1855.	No.		Amount.
Dec. 11,	185	T. J. Right, for services in conveying convict to penitentiary,	$92 00

1856.	No.		Amount.
Dec. 11,	186	John Earle, for services as guardian of F. Sultsbuerger, (insane,)	178 37
" 22,	187	James P. Hogue, for services as guardian of Thomas Hogue, (insane,)	6 25
Jan. 1,	188	John W. Steen, for services as guardian of Henry Shepherd, (insane,)	123 00
" 9,	189	A. J. Thayer, for services as Territorial Auditor, from Nov. 9th, 1855, to Jan. 9th, 1856,	50 00
		Total,	$10,259 37

The following certificates have been granted to the Treasurers of Linn and Clackamas counties, as per act of Legislative Assembly, passed Jan. 15th, 1856, for the relief of said counties, *et al*, to-wit:

1856.		
Aug. 13,	Treasurer of Linn county, authorized by certificate from this office, to retain in the Treasury of said county, the following amount of Territorial revenue assessed on real estate in said county, for the year 1855,	519 52
Oct. 17,	Treasurer of Clackamas county, authorized as above, to retain in Treasury of said county, the sum of	255 57
	Total,	$775 09

The following duplicate receipts of proceeds of sales of Common School Lands have been filed in this office during the past fiscal year, in accordance with an act of the Legislative Assembly, passed Jan. 26, 1856:

1856.		Amount.
Sept. 23,	From Superintendent of Common Schools of Lane county, in cash,	$ 419 50
" 23,	In notes,	1,258 49
" 23,	Interest on notes,	62 63
	Total,	$1,740 62
" 23,	From Superintendent of Common Schools of Benton county, in cash,	$1,785 6

1856.		Amount.
Sept. 23,	In notes,	4,064 68
" 23,	Interest on notes,	203 18
	Total,	$6,053 53
" 23,	From Superintendent of Common Schools of Douglas county, in cash,	$785 25
" 23,	In notes,	2,617 65
" 23,	Interest on notes,	128 35
	Total,	$3,504 25
Oct. 1,	From Suporintendent of Common Schools of Polk county, in cash,	$59 78
" 1,	In notes,	314 34
" 1,	Interest on notes,	15 71
	Total,	$389 83
" 31,	From Superintendent of Common Schools of Umpqua county, in cash,	$439 00
" 31,	In notes,	1,500 00
" 31,	Interest on notes,	75 00
	Total,	$2,014 00
	Total receipts from all counties,	$13,702 23

The following duplicate receipts have been placed on file in this office by the University Land Commissioners during the past fiscal year:

1856.		Amount.
Jan. 31,	From N. Huber, University Land Commissioner,	$170 00
June 27,	" " " " "	5 00
July 17,	" " " " "	152 00
	Total,	$327 00
June 24,	Received on deposite from J. M. Garrison, administrator of J. W. Crowell, deceased,	$192 86

Estimate of Revenue for next Fiscal year.

No.		Amount.
1	Benton county,	$1,168 32
2	Clackamas "	1,383 50
3	Clatsop "	260 24
4	Columbia "	168 61
5	Curry "	43 65
6	Coos "	69 38
7	Douglas "	582 29
8	Jackson "	929 22
9	Josephine "	
10	Lane "	1,488 28
11	Linn "	1,975 50
12	Marion "	2,165 67
13	Multnomah "	1,563 63
14	Polk "	1,764 97
15	Tillamook "	
16	Umpqua "	420 73
17	Washington "	746 75
18	Wasco "	
19	Yamhill "	1,355 81
	Total,	$16,086 56

The total amount of taxable property in the Territory for the year 1856, as far as returns have been received at this office, is $16,086,636 83

The counties of Josephine, Wasco, and Tillamook, have made no returns of their assessments for the past fiscal year; and the county of Wasco has never made any, nor paid any revenue into the Territorial Treasury. The county of Tillamook is in a disorganized state—so much so that no assessment of property was had for 1856.

Estimate of Expenditures for next Fiscal year.

Salaries of Prosecuting Attorneys,	$1,800 00
Expenses of Treasury Department,	1,300 00
Expenses of Penitentiary Department,	2,500 00
	$5,600 00

The other expenses of the Territory are incidental, and cannot be ascertained with any degree of accuracy.

Amount of appropriations made by law during last fiscal year.

For relief of Pilot Commissioners,	$500 00
For relief of Joseph Sloan,	200 00
Total,	$700 00

Warrants have been issued to all the claimants under the foregoing appropriations.

A full and detailed statement of the Public Debt.

Balance of Territorial Auditor's warrants issued during fiscal year ending Dec. 6th, 1855, remaining unpaid,	$1,438 22
Balance of Territorial Auditor's warrant issued during fiscal year ending Dec. 6th, 1856, remaining unpaid,	5,377 00
Total,	$6,815 22

Recapitulation.

Amount remaining in Treasury at commencement of past fiscal year,	$275 03
Amount received in Treasury during past fiscal year,	11,898 39
Total,	$12,173 42
Amount paid out during said time,	12,167 36
Balance in hands of Treasurer,	$6 06

In compliance with section 8, of chapter 3d, of the act defining the duties of Territorial Auditor, I hereby report and recommend to your favorable consideration, a claim of Asahel Bush, for publishing census returns, election notices, and abstract of election returns, amounting to the sum of two hundred and sixty-seven (267) dollars.

Also, a claim in favor of the "Oregon Weekly Times," for similar services, amounting to one hundred and sixteen (116) dollars; the items of both of which claims are on file in this office.

I have also incurred a debt of $105, on account of Auditor's office, as follows:

For office rent five months, ending January 1st, 1857,	$40 00
For table and pigeon hole case, for office,	40 00
For office sign,	10 00
For one cord of wood,	5 00
Total,	$105 00

A claim has been presented at this office by Yamhill county, under an act for relief of said county, *et al*, passed Jan. 15th, 1856, for the sum of $1,038 82, claimed to have been assessed on real estate in said county, in the year 1855, which I have declined to allow, without further action of the Legislative Assembly in the premises. My reason for refusing to audit said claim are, that the amount claimed is over twice that of any other county for the relief of which said act was passed; and that by allowing said claim I would reduce the amount of taxable property of said county for 1855 to 535,346 dollars less than it was for the preceding year; hence not being satisfied of the justness of said claim, I refer it to your honorable body for settlement.

The counties of Multnomah, Douglas, and Tillamook, assessed but one mill on the dollar for Territorial revenue for the year 1855, instead of one and a-half as the law required; I have, however, charged said counties with the full amount of revenue required to be levied by law, and would respectfully recommend the passage of an act requiring the commissioners of said counties to levy an additional tax in 1857, sufficient to supply the deficit in their revenue for 1855.

The county of Jackson has never filed in this office duplicates of her assessment rolls for 1853 and 1854, in consequence of which I have not been able to ascertain the amount of revenue due the Territory for said years, but have authorized one of the prosecuting attorneys of the 3d judicial district to commence suit for the recovery of the revenue due the Territory from said county. In my communication to the prosecuting attorney above mentioned, I have authorized him to commence suit for one and a-half mills on the dollar of the assessment of said county for 1855, thereby wishing to test the validity of an act of the Legislature, which authorized the commissioners of Jackson county to levy but one mill on the dollar, while at the same time the other counties of the Territory were required to levy one and a-half mills.

The county of Wasco has never paid any revenue in the Territorial

Treasury; and, as before stated, has never returned to this office duplicates of her assessment rolls, in consequence of which I am, of course, unable to ascertain the amount of Territorial revenue due from said county. The law requires the County Auditors to transmit to this office a certified copy of the assessment rolls of their respective counties, within thirty days from the approval thereof by the board of commissioners, but for failure of compliance with said law, there is no penalty; which probably accounts for the delinquency of so many Auditors in this respect.

There is also considerable dereliction of duty on the part of officers, required by law to pay revenue into the Territorial Treasury, arising from frequent failures of many of said officers to deposit with the Territorial Auditor, duplicate receipts of the amounts so paid by them, but the law on this point is efficient; and by its occasional enforcement, would remedy the evil referred to.

I would, in conclusion, earnestly recommend to your favorable consideration, the necessity of enacting a law, by authority of which the keeper of the penitentiary might work the convicts therein; and secure a more effective organization of the penitentiary department; thereby rendering the same an important source of revenue, instead of taxing the honest citizens of the Territory about three thou sand dollars annually for the support of their convicts in idleness.

The amount appropriated by the Legislative Assembly ($2,500) annually for the support of the penitentiary department, is wholly inadequate for that purpose, and must be increased unless a reorganization can be effected that will supercede that necessity.

All of which is respectfully submitted.

B F. BONHAM,
Territorial Auditor.

REPORT

By. Mr. Smith, of Linn, from Select Committee, to which was referred Auditor's Report, &c.

The Select Committee, to whom was referred the Annual Report of the Auditor of Public Accounts for the fiscal year ending December 6, 1856, have had the same under consideration, and beg leave to submit the following report:

Your committee find that there is justly due from the Territory to Asahel Bush, for publishing census returns, election notices, and abstracts of election returns, the sum of $267. Also, that the sum of $116 is justly due the publishers of the "Oregon Weekly Times" for similar services; as the publication of the foregoing notices, &c., were authorized by law, and it was made the duty of the Secretary of the Territory to cause their publication.

Your committee also find that the sum of $105 is due the Territorial Auditor for moneys paid by that officer for office rent, necessary office furniture, fire wood, &c.

Your committee find that an act was passed by the Legislature of last year for the relief of the counties of Multnomah, Columbia, Clackamas, Linn and Yamhill, by refunding to said counties the amount accruing from certain taxes improperly assessed and collected, in those counties, upon certain real estate.

Under the provisions of the foregoing act, your committee find that

Multnomah county claimed and received the sum of -	$143 80
Columbia county, - - - - - - - - -	189 04
Clackamas county, - - - - - - - - -	255 57
And Linn county, - - - - - - - - -	510 52
And that Yamhill *claims*, (but has not yet received,) -	1,038 82

Your committee have no sufficient data at hand by which they are

enabled to determine whether the counties of Multnomah, Columbia Clackamas and Linn, have received too much or too little—more or less than they were entitled to. But it is to be presumed that each has claimed the full amount due by virtue of the act above referred to. Your committee, therefore, deem it more material, at this time, to inquire into the justice of the claim presented by the county of Yamhill.

Your committee find that by deducting the sum of $1,038 82, from the aggregate amount of the assessed property of Yamhill county, for the year 1855, the remainder is less, by the sum of $535,346, than the taxable property in the same county was in the year 1854. Your committee cannot deem it true, that whilst every other county in the Territory increases the amount of its taxable property largely every succeeding year, the county of Yamhill, alone, experiences a loss or depreciation of property to the amount of between five and six hundred thousand dollars per annum.

Besides the foregoing consideration, your committee find that the amount claimed by the county of Yamhill, is more than twice as large as that claimed by Linn, four times as large as that of Clackamas, more than five times as large as that of Columbia, and more than seven times larger than that of Multnomah. And whilst this is true, your committee find, at the same time, that Clackamas has paid into the Territorial Treasury, during the last fiscal year, the sum of - - - - - - $ 961 09
Columbia county, the sum of - - - - - - - 228 43
Multnomah county, the sum of - - - - - - - 1,169 52
And the county of Linn, the sum of - - - - - - 1,450 00
Whilst the county of Yamhill has paid, during the same period, the sum, only, of - - - - - - - - - 898 03

Inasmuch as a large portion of the wealth of Yamhill county must consist in lands, and since it is well known that that county was chiefly settled at an early period of our history, and, as a consequence, that the settlers there have generally perfected titles to their lands by a continuous residence and cultivation for four consecutive years, and as their lands are therefore subject to taxation, your committee confess themselves unable to perceive by what rule of arithmetic that county would take *out* of the Territorial Treasury the sum of 1,038 dollars and eighty-two cts, claimed as *excess* of taxes paid upon her lands in the year 1855, whilst she pays *in* to the same treasury the sum of 898 dollars and three cents, all told, where the *same lands* are taxed by virtue of the provisions of a law passed at the session of 1855–6.

In addition to the foregoing considerations, your committee would sug-

gest that they are wholly unable to account for the very great disparity in the several amounts claimed by the respective counties relieved by the act to which they have referred, by any other supposition than that Yamhill county has claimed a much larger sum than she is entitled to. Linn county, as an illustration, claims less than one-half the sum contended for by Yamhill, and yet the assessor's returns show that Linn has nearly twice as many inhabitants and double the wealth, both real and personal, as has the county of Yamhill.

In view of the foregoing considerations, your committee have no hesitation in expressing the opinion that the Territorial Auditor was commendably mindful of his duty when he declined to allow the claim preferred by the county of Yamhill. And your committee would recommend that the said Auditor be instructed not to allow any amount to the said county of Yamhill, which she may claim under the act to which reference has been made, until said county shall have furnished to the said auditor satisfactory evidence of its correctness and its justice.

Your committee fully endorse and would urge the propriety of adopting the suggestions of the Auditor, relative to the imposition of an additional tax of one-half mill for the year 1857, upon the counties of Multnomah, Douglas, and Tillamook, to supply the deficiency of the taxation in those counties in the year 1855.

Your committee fully approve and heartily commend the action of the Territorial Auditor, in "authorizing one of the prosecuting attorneys of the 3d judicial district to commence suit for the recovery of the revenue due the Territory from" the county of Jackson. In the opinion of your committee it is time that local and partial legislation — so far at least as the Territorial revenue is concerned — ceased, and that each and every county in the Territory should be made to contribute its quota and bear its proportionate share of the burdens of a common government.

Your committee would recommend the enactment of a law by which it shall be made the duty of the Territorial Auditor to institute suit, at once, against derilect or delinquent county auditors or other county officers whose duty it is, or may be made by law, to transmit to the office of the Territorial Auditor, certified copies of the assessment rolls of their respective counties, within any given period of time; and providing adequate penalties for all legally ascertained delinquencies.

As the subject matter of the territorial penitentiary and the labor of the convicts has been referred to another committee, your committee would omit, in this report, any recommendation upon that topic, founded upon the suggestions of Territorial Auditor.

In accordance with the views expressed in the foregoing report, your committee report the accompanying bills and recommend their passage,

In closing their report, your committee take especial pleasure in commending the report of the Territorial Auditor, which was referred to them by the House. They have found it at once clear, concise, explicit, full, and eminently satisfactory The financial condition of the Territory is plainly exhibited and the suggestions and recommendations of the auditor well and opportunely stated

All of which is respectfully submitted

DELAZON SMITH, *Chairman*

THIRD ANNUAL REPORT

OF THE

UNIVERSITY LAND COMMISSIONER.

To the Legislative Assembly of Oregon:

Circumstances, unforeseen at the time the undersigned last entered upon the discharge of the duties of University Land Commissioner, having made it necessary to resign that trust at this date, it is deemed a proper duty to comply with the provisions of the statute requiring that officer to report his official acts to the Legislative Assembly, and, in accordance, the following is submitted:

The principal duty devolving upon the Commissioner since the last annual report, has been in connection with lands selected in the year 1855. In the report to the last Assembly, it was indicated that of the lands selected by the undersigned, a sufficient quantity would probably be found "in a condition to be approved to fill the requisition for two townships." Upon full examination, and procuring lists of lands approved by the proper land officers, it is found that these expectations have been fully realized. The area of a portion of the tracts, selected in fractional sub-divisions, has not yet been obtained in consequence of settlers claims not being finally surveyed, though so far as the same could be ascertained, the present Surveyor General has promptly furnished the same upon request. Among the lands approved are a number of tracts upon which persons had located and notified as claimants, subsequent to the selection for University purposes. Notice was promptly given to these settlers, and so far as possible, with a just regard to the public interests, the conflicts have been adjusted. In some three cases,

in which the lands might in strict legality have been held by the Territory, the same were stricken from the list of selections before final approval, and record made, upon conditions prescribed to, and complied with, by the claimants. These conditions were, that the claimant at his own charge, ascertain the locality of other vacant lands equal in quantity and value to those released, which should be substituted, with the approval of the land officers, to supply the deficiency thus created. The cases so adjusted met the apparent approval of the settler, whilst the public interests were not prejudiced, and the Commissioner receiving his lawful per diem, only, from the claimant for the estimated time employed in and about the settlement of such conflict, thereby saving the Territory from all charge

There remain several tracts approved and recorded, which have been notified upon by claimants where there appear to be, so far as I am informed, no particular merits on the part of the individuals, other than that they *want the land*, and desire to hold it without any manifestation in regard to public rights and interests. The Territory, through the proper officer, being the "oldest claimant," and having made due returns of the selections, which were on file in the Land Office at the time and prior to the individual location and notification, the undersigned, as the trustee for the time being, of the lands, from his position conversant with each particular case, has determined all matters arising in connection with these conflicts, as in his judgment seemed just and equitable upon an impartial consideration of facts presented.

In connection with this branch of my duties, I take the liberty to acknowledge that their discharge has been greatly facilitated by the promptness of the Register of the Land Office in Oregon City, and the present Surveyor General at Salem, in furnishing me with information and assistance necessary and useful in endeavoring to bring to a close the service connected with the selection and approval of lands; and in continuing the record, by tracts, of the University lands upon the plan mentioned in my last report.

A number of trespasses committed upon lands, having recently come to my knowledge, the necessary action has been taken in relation thereto; and, as usual, in such cases, the offending parties plead in mitigation, ignorance of the fact that the particular tracts had been selected for public purposes. Several cases have been amicably settled. Experience has fully established the necessity of providing some convenient source of information to which citizens may refer to ascertain, with a degree of certainty, the several tracts of University lands. I had, accordingly, designed preparing a list of the lands, *by counties*, and filing with the

clerk of the court of each county, a copy of the list of lands in such county. This would serve the double purpose of a convenient reference for citizens generally, and also for the use of grand jurors and prosecuting attorneys, at each term of the court in the discharge of their duties, under the act making it an indictable offense to trespass upon these lands. In pursuance of this plan, I have, in part, made out a list, and if the suggestion should be approved by my successor, the same may be completed.

Under the act providing for the confirmation of title to lots in Oregon City, I have within the current year conveyed and confirmed title to thirty-five (35) lots, thirty-four (34) to George Abernethy, and one to Peter Rinearson. In consequence of the passage of a memorial to Congress by the last Assembly, in regard to the Oregon City claim, I have deferred taking further action in the matter for the present. It is highly improbable that the title to this claim will be determined so long as the Legislative Assembly of the Territory fails to settle upon some definite policy in regard to the same. Whilst successive Assemblies indicate, by legislative action, different views, the officer having the matter in charge, must remain in doubt as to his course. The first and second annual reports of the Commissioner, in connection with these suggestions, will make the whole subject more apparent.

The duties imposed by the act authorizing the loan of the University funds, have been principally discharged by the Territorial Treasurer, and no doubt the report of that efficient officer, together with that of my successor, will give full information of this branch of service. A number of persons indebted upon notes and mortgages given for deferred payments upon lands purchased in the year 1854, failing to make payment, were notified by the undersigned that the amounts due should be required at a short day, to the end that the principal, now only bearing seven (7) per cent. interest, together with the interest long due, might be put at ten (10) per cent. under the present law.

An act of the last Assembly authorized the sale of one hundred and sixty acres of land in a locality therein set forth. The persons, at whose solicitation the act was passed, having changed their purposes, and informed the undersigned that they should not desire to purchase said lands, and none other having indicated a wish to avail themselves of the privilege extended by that law, the lands referred to have not been offered for sale.

Since rendering my last annual account, I have received for (35) lots, confirmed to owners, in Oregon City, at $5 each, the sum of - - - - - - - $175 00

From sundry trespassers, - - - - - - 152 00

Total receipts, - - - - - - $327 00

Deposited with Territorial Treasurer, as per duplicate receipts, filed with Territorial Auditor:

1856, January 31, - - - -	$170 00
1856, June 26, - - - -	5 00
1856, July 16, - - - -	152 00
Total to balance, - - - -	$327 00

All of which is respectfully submitted.

N. HUBER,
University Land Commissioner.

In connection with the foregoing, the undersigned would respectfully submit the following additional report:

On the first day of August last, I was appointed, by the acting Governor, to fill the vacancy in the office of University Land Commissioner, occasioned by the resignation of Noah Huber, Esq., and immediately qualified according to law, and entered upon the discharge of the duties of the office.

As mentioned in that officer's report, the former Commissioner had very nearly brought to a close the service connected with the selection of the University lands. Nothing further has been done in this department, since the date of his report; consequently, the area for a great number of fractional tracts, remains yet undetermined.

In two instances notifications have been received from settlers, that they occupied and wished to hold certain tracts of University lands; claiming in one instance certain rights in the land, and in the other, merely the fact of settlement and improvement, without knowledge that the lands were held by the Territory. In both instances the persons were immediately notified that, as these lands had been selected, approved, and recorded by the proper officers, the present Commissioner conceived they *belonged to the Territory*, and that he had no authority to make any disposition of them, except in the manner prescribed by law. Nothing further has been heard from those settlers, and it is presumed they have, or will abandon the lands; if not, it will become necessary for the future Commissioner to take such steps as will compel them so to do.

In accordance with a plan proposed by the former Commissioner, a list of the University lands, by counties, has been made out and filed with the Clerk of the District Courts in the several counties in which those lands are situated, a notice of which has been published in the newspaper doing the Territorial printing. Those lists were made out and furnished to the Prosecuting Attorney of the District, in time to bring the matter of trespass before the grand juries, in the different counties, at the last fall terms of the courts. Not a single instance of trespass has been brought to notice. It is highly improbable that no trespass had been committed; nor is there any reason to believe, that jurors have been regardless of their obligations; but from the fact, that persons, generally, are unacquainted with the description of lands by their subdivisional numbers, and with the boundary lines thereof; it is very seldom that information, sufficiently accurate and reliable can be obtained, upon which to found and sustain an indictment. Experience, therefore, goes to prove, that the personal care of the Commissioner is indispensable to a proper protection of those lands from waste. The shortness of the time for which I held my appointment, seemed to forbid that I should devote the time and labor to this branch of service, necessary to become familiar with the location and condition of the lands, scattered, as they are, over a great extent of Territory, and generally in situations remote and difficult of access, excepting to those well acquainted with their locality.

Under a sense of my duty, having a strict regard for the interests of the University fund, I, immediately upon entering upon the discharge of the duties of this office, consulted with counsel in regard to the propriety of instituting suit for the possession of the "Oregon City Claim." It was conceived that if the Territory was rightfully entitled to said lands, for the purpose designated in the act of Congress donoting the same, she had already too long been denied the possession thereof. If, on the other hand, said "claim" rightfully belonged to the person now holding the same, justice to all parties seemed to demand, that that fact should be determined by a proper tribunal. Not only would that individual, and the citizens of Oregon City, be benefitted by such an adjudication, but the Territory would then be put in a position to ask of Congress an appropriation of lands in lieu of said "claim." But for want of time, and not knowing what policy my successor might wish to pursue, no action has been taken in the premises

As mentioned in the former Commissioner's accompanying report, a number of notes, generally for small amounts long since due, were yet outstanding. In order to facilitate the collection of those dues, with a

view to the money being loaned in the manner prescribed by law, I obtained the notes and mortgages from the Territorial Treasurer upon my official receipt, and personally visited the debtors early in the past month. I, however, succeeded in collecting the money on but one note. The other debtors made positive promises that the money should be paid in a short time. I am however informed by the Treasurer that but one note has been paid since returned by me. At the time of my calling upon the debtors to the fund, it was too late, even had it been good policy, to have instituted legal process for the collection of the debts.

As mentioned above, the notes and mortgages uncollected, together with the moneys collected, were re-deposited with the Treasurer; and for the present condition of the fund, I would respectfully refer you to that officer's report, together with that of the Territorial Auditor, who have performed the entire service in regard to loaning the fund.

My cash account with the fund, is—

To moneys received as interest on Mulkey note, -	$24 42
Cr. By cash deposited with Territorial Treasurer, per duplicate receipt, deposited with Territorial Auditor, November 2d, 1856, - -	$24 42

All of which is respectfully submitted.

AHIO S. WATT,
University Land Commissioner of Oregon.

(36) 04

TREASURER'S REPORT.

To the Legislative Assembly of Oregon Territory:

In accordance with law, the Treasurer of said Territory begs leave t submit the following report, showing the condition of the Treasury De partment for the fiscal year, beginning Dec. 6, 1855, and ending Dec. 6 1856:

My predecessor reported to your body on the 6th day of Dec., 185 at which time he reported as remaining in the treasury, the sum of tw hundred and seventy-five dollars and three cents, ($275 03,) after whic he received the following sums, previous to my election and qualification

Balance due at date of last annual report,		$275 0
Dec. 10, 1855, Received of Yamhill county for 1855,		250 0
" 18, " " of Benton " " "		690 0
Jan. 9, 1856, " of Linn " " "		1000 0
Whole amount received by former treasurer,		$2,215 0

The following sums were paid by my predecessor after the date of hi report, Dec. 6, 1855, and prior to my election, as per voucher, filed in thi office:

Dec. 7, 1855, Paid B. F. Harding, per order, No. 181,	$100 0
" 7, " " Smith & Davis, per order, No. 174,	15 7
" 7, " " Joseph Jeffries, per order No. 39, this sum,	52 0
" 7, " " Jas. P. Hague, per order No. 159, this sum,	22 0

Dec. 10, 1855,	Paid Noah Huber, per order No. 164, this sum,	$ 250	00
" 11, "	" T. T. Wright, on order No. 185, this sum, credited on said order,	70	00
" 18, "	" J. Elder, per order No. 154, this sum,	690	00
Jan. 9, 1856,	" C. C. Godley, per order No. 182, this sum,	380	00
" 9, "	" John Earle, per order No. 186, this sum,	187	37
" 10, "	" Jas P. Hague, per order No. 187, this sum,	6	25
" 10, "	" T. J. Wright, balance of order No. 185, this sum,	22	00
" 14, "	" A. J. Thayer, per order No. 189, this sum,	50	00
" 14, "	" Treasurer's per centage for receiving $19 40, and paying out $1,836 37, since reporting to the legislature,	75	52
Paid out by N. H. Lane, Ex-Treasurer,		$1,911	89
The books show that N. H. Lane, the former treasurer, received after his annual report and previous to my entering upon the duties of the office, this sum,		$2,215	03
Also, paid out on lawful orders,		1,911	89
Due the treasury,		$303	14
Jan. 12, 1856,	J. D. Boon, entered upon the duties of his office, as Treasurer of Oregon Territory.		
" 12, "	Received from N. H. Lane, the former Treasurer of said Territory, (territorial fund,) this sum,	$293	50
" 19, "	Received from the county treasurer of Benton, for the year 1855,	74	47
Mar. 6, "	Received from Benton county, for the year 1855.	304	16
	Curry county nothing received.		
Jan. 12, "	Received from the county treasurer of Clackamas county, for the year 1855,	816	35
Oct. 15, "	Received from the county treasurer of Clackamas county, for the year 1855,	102	74

Nov.	7, 1855,	Received from the county treasurer of Clackamas county, for the year 1855,	$ 42 00
July	1, "	Received from the county treasurer of Columbia county, for the year 1855,	228 43
April	26, "	Received from the county treasurer of Clatsop county, for the year 1854,	16 41
Oct.	25, "	Received from the county treasurer of Clatsop county, for the year 1855,	212 50
June	1, "	Received from the county treasurer of Coos county, for the year 1855,	140 96
Nov.	29, "	Received from the county treasurer of Coos county, for the year 1856,	43 66
Jan.	30, "	Received from the county treasurer of Douglas county, for the year 1855,	353 00
July	28, "	Received from the county treasurer of Douglas county, for the year 1855,	240 00
		Josephine county paid nothing.	
June	24, "	Received from the county treasurer of Jackson county, for the year 1855,	442 25
Jan.	31, "	Received from the county treasurer of Linn county, for the year 1854,	100 00
"	31, "	Received from the county treasurer of Linn county, for the year 1855,	250 00
June	30, "	Received from the county treasurer of Linn county, for the year 1855,	100 00
Jan.	28, "	Received from the county treasurer of Lane county, for the year 1854–'55;	1,225 00
"	12, "	Received from the county treasurer of Multnomah county, for the year 1855,	1,072 00
May	6, "	Received from the county treasurer of Multnomah county, for the year 1855,	97 52
Feb.	1, "	Received from the county treasurer of Marion county, for the year 1855,	324 00
April	9, "	Received from the county treasurer of Marion county, for the year 1855,	130 00
Jan.	12, "	Received from the county treasurer of Polk county, for the year 1854,	132 35
"	12, "	Received from the county treasurer of Polk county, for the year 1855,	1,000 00

Oct. 15, 1855,	Received from the county treasurer of Tillamook county, for the year 1855,	$ 15	3[illegible]
Jan. 30,	" Received from the county treasurer of Umpqua county, for the year 1855,	766	0[illegible]
Aug. 2,	" Received from the county treasurer of Washington county, for the year 1855,	1,080	1[illegible]
Mar. 20,	" Received from the county treasurer of Yamhill county, for the year 1855,	220	0[illegible]
April 22,	" Received from the county treasurer of Yamhill county, for the year 1855,	428	25
	Wasco county, nothing.		
	Also, received, January 24, 1856, from J. M. Garrison, administrator of the estate of John W. Crowell, deceased, on deposit for the heirs of said estate,	192	86
	Total by me received for the Territory,	$10,444	75
	Deduct paid out,	10,438	69
	Amount due the Territory,	$6	06

Respectfully submitted.

Amount paid out on Territorial Warrants.

1856.

Jan. 12,	Paid R. P. Boise, per order, No. 161,	$250	00
" 12,	" A. A. Durham, per order, No. 144,	88	40
" 12,	" J. S. Dickenson, per order, No. 169,	90	00
" 12,	" J. Millard, per order, No. 162,	104	50
" 12,	" G. W. Vaughn, per order, No. 138,	113	04
" 12,	" C. A. Pickett, per order, No. 180,	150	00
" 12,	" Joseph Sloan, per order, No. 179,	879	[illegible]
" 12,	" Joseph Sloan, per order, No. 192,	702	86
" 16,	" T. E. Northrop, per order, No. 137,	216	00
" 16,	" W. McMullin, per order, No. 166,	5	30
" 16,	" The heirs of Peter Shafer, per order, No. 132,	79	65
" 19,	" W. G. T'Vault, per order, No. 1,	150	00
" 19,	" Thomas Hood, per order, No. 191,	120	00
" 19,	" Henry L. Turner, per order, No. 4,	87	75
" 29,	" Presley Scott, per order, No. 10,	207	70
" 29,	" Presley Scott, per order, No. 9,	502	75

Jan. 29, 1855,	John W. Starr, per order, No. 188,	$ 123	00
" 30, "	R. E. Stratton, per order, No. 8,	150	00
" 31, "	Thos. S. Brandon, per order, No. 12,	250	00
Feb. 1, "	Andrew Hood, per order, No. 5,	120	00
" 6, "	Davis D. Monasters, per order, No. 147,	32	00
" 6, "	B. F. Harding, per order, No. 11,	13	50
" 6, "	Turnbull & Co., per order, No. 146,	13	80
" 6, "	Davis & Turnbull, per order, No. 168,	53	00
" 6, "	A. A. Durham, per order, No. 145,	110	17
" 6, "	George K. Sheil, per order, No. 7,	250	00
" 6, "	Amoty Holbrook, per order, No. 77,	166	00
" 6, "	Amory Holbrook, per order, No. 64,	228	00
" 6, "	Amory Holbrook, per order, No. 79,	174	00
" 6, "	Reed & Co., per order, No. 91,	31	25
Mar. 7, "	John W. Bell, per order, No. 19,	46	80
" 7, "	John W. Bell, per order, No. 148,	43	50
" 7, "	Hiram Smith, per order, No. 6,	113	00
" 10, "	Andrew Hood, per order, No. 18,	65	00
" 24, "	Robert Thompson, per order, No. 126,	30	00
" 30, "	Freight on Territorial safe, from Corvallis to Salem,	3	25
April 3, "	Roberts & Shartle, per order, No. 23,	500	00
" 10, "	John H. Couch, per order, No. 17,	250	00
" 17, "	Huton Campbell, per order, No. 24,	8	65
" 17, "	S. Hulett, per order, No. 26,	13	60
" 17, "	S. Hulett, per order, No. 29,	9	60
May 6, "	S. Anderson & Co., per order, No. 21,	22	85
" 6, "	Joseph Sloan, per order, No. 30,	24	00
" 6, "	Joseph Sloan, per order, No. 15,	13	35
" 6, "	James Burk, per order, No. 22,	50	00
" 9, "	R. B. Wilson, per order, No. 28,	35	00
June 24, "	Thomas Pyle, per order, No. 149,	442	25
" 24, "	T. W. Walling, per order, No. 153,	412	00
" 30, "	John Earle, per order, No. 37,	49	12
July 1, "	Joseph Sloan, per order, No. 33,	150	00
" 1, "	Joseph Sloan, per order, No. 4,	50	00
" 14, "	Jacob Hammar, per order, No. 160,	26	00
" 23, "	R. E. Stratton, per order, No. 43,	150	00
" 28, "	B. F. Bonham, per order, No. 44,	150	00
Aug. 2, "	C. A. Pickett, per order, No. 16,	150	00
" 2, "	Joseph Sloan, per order, No. 47,	88	75

1856.			
Aug. 2,	"	Joseph Sloan, per order, No. 14,	$841 43
Spt. 22,	"	John T. McConnas, per order, No. 130,	276 00
Oct. 15,	"	Joseph Church, per order, No. 45,	102 74
" 27,	"	W. G. T'Vault, per order, No. 40,	150 00
Nov. 7,	"	J. Church, on his order of $528, No. 45,	42 00
Dec. 4,	"	William Neal, per his order, No. 127,	250 00
" 4,	"	Treasurer's per cent. for receiving $10,446 75, at 2 per cent.,	208 93
" 4,	"	Also for paying out $10,438 52, at 2 per cent,	208 77
		Total amount paid out,	$10,438 69
		Total amount received,	10,444 75
		Due the Territory,	$6 06

Respectfully submitted, this 6th day of Dec A. D, 1856.

JOHN D. BOON, *Territorial Treasurer.*

The Univerrity Fund.

I also report the present condition of the University Funds of this Territory, as follows, to-wit:

1856.		
Jan. 17,	Received from N. H Lane, the former treasurer of this Territory, in cash,	$2,935 20
" 17,	Also, in notes for University lands,	1,604 76
" 30,	Received from N. Huber, in cash,	170 00
June 27,	Received from N. Huber,	5 00
July 16,	Received from N. Huber, in cash,	152 00
July 16,	Received from N. Huber, interest, on Aaron Richardson's note, cash,	13 35
	I also have received interest on University funds, by me loaned to different persons, in cash,	325 00
	Also, I have received interest on some of the notes which I receipted to N. H Lane for,	108 34
Dec. 1,	Received from Ahio S. Watt, interest on Johnson Mulky's note, in cash,	24 42
	Total,	$5,338 07

I also have received $797 37, for notes that I receipted to N. H. Lane

for, and the same money I have loaned out as the law directs. Those notes are charged to me in my receipt above, of $1,604 76.

All of which is respectfully submitted.

Amount of University Funds paid out as per Vouchers filed.

1856.			
Jan. 30,	Paid N. Huber, per order, No. 31,		$80 00
June 26,	" N. Huber, per order, No. 38,		75 00
July 16,	" N. Huber, on order,		165 00
Nov. 29,	" Treasurer for receiving $791 at 2 per cent.,		15 82
" 29,	" Treasurer paying out $225 at 2 per cent.,		4 50
" 29,	" Treasurer for taking eleven mortgages and acknowledgments thereon,		11 00
" 29,	" Loss on five slugs,		5 00
			$356 32
Nov. 29,	Paid Treasurer per cent. for loaning out $4,057 50, secured by notes and mortgages,		81 14
	Total paid out,		$437 46
	Whole amount received,	$5,338 07	
	Whole amount paid out,	437 46	
	Due,	$4,901 61	

On this 6th day of December, 1856, there is remaining in the Treasury of the University Funds, in notes secured by mortgages on real estate, $4,901 61

Respectfully submitted.

JOHN D. BOON,
Territorial Treasurer.

Common School Fund for the year 1856.

1856.		
Sept. 6,	Received from D. M. Risdon, Superintendent of Common Schools, in and for Lane county, Oregon Territory—	
	In notes for Common School land,	$1,258 49
	Interest on said notes, in cash,	62 62
	Also in cash,	419 50

1856.			
Sep. 10,	Received from T. B. Sanderson, Superintendent of Common Schools, in and for Douglas county—		
	In notes for Common School lands,	$2,617	65
	Interest on said notes, in cash,	128	35
	Also in cash,	758	25
" 10,	Received from Silas Newcomb, Superintendent of Common Schools, in and for Benton county—		
	In notes for Common School lands,	4,064	68
	Interest on said notes, in cash,	203	18
	Also in cash,	1,785	67
" 10,	Received from R. P. Boise, Superintendent of Common Schools, in and for Polk county—		
	In notes for Common School lands,	314	34
	Interest on said notes, in cash,	15	71
	Also in cash,	59	78
Feb. 9,	Received from Chester L. Harrington & Co., of Polk county, for school lands on which the Nesmith mills are situated, as per act of last Legislature,	200	00
Oct 31,	Received from Mr. Spencer, Superintendent of Common Schools, in and for Umpqua county—		
	In notes for Common School lands,	1,500	00
	Interest on said notes, in cash,	75	00
	Also received in cash for same,	439	00
	Also to this amount, received as interest on funds by me loaned,	296	40
	Whole amount received,	$14,198	23
Dec. 6,	Paid Treasurer's per centage for receiving $14,198 43, at ten per cent.,	$283	96
" 6,	" Treasurer's per cent for loaning $3,501, at one per cent.,	35	06
" 6,	" For book,	5	00
	Whole amount paid out,	$323	96
	Balance remaining in Treasury,	$13,875	27

All of which is respectfully submitted.

J. D. BOON,
Treasurer.

MESSAGE FROM THE GOVERNOR.

To the Speaker of the House of Representatives:

SIR—In reply to the resolutions of the House of Representatives, passed on the 17th ultimo, I herewith transmit copies of all the correspondence called for by the terms of that resolution, which has not been heretofore transmitted to the Assembly, with the exception of a communication from Joel Palmer, Esq., late Superintendent of Indian Affairs, which he has requested may not be considered as official.

I am, very respectfully,
Your obedient servant,
GEO. L. CURRY,
Governor of Oregon.

EXECUTIVE OFFICE,
Salem, Jan. 8th, 1857.

HEAD QUARTERS, NORTHERN DISTRICT,
DEPARTMENT OF THE PACIFIC,
Camp at Fort Dalles, O. T. April 27, 1856.

GOVERNOR—I have the honor to inclose, herewith, a copy of a communication, this day received from Mr. R. R. Thompson, Indian Agent at this place.

As I march into the Yakima country to-morrow morning, with all my disposable force, I am much embarrassed by these wanton attacks of the Oregon Volunteers on the friendly Indians. Were I to accede to the request of the Agent, to furnish a force to protect these Indians, during the fishing season, it would diminish my force, to such an extent, as to render nugatory my campaign in the Yakima country.

Under these circumstances, and presuming that you still retain authority over the Oregon Volunteers, although at present beyond your

Territorial jurisdiction, I have to request that they may be withdrawn from the country on the north side of the Columbia river.

Very respectfully,
I have the honor to be,
Your most obedient servant,
G. WRIGHT,
Colonel 9th Infantry Commanding.

Governor CURRY,
Salem, O. T.

Dr. on Acc. Jonathan June 30, 1865

AGENCY OFFICE,
Dalles, April 26, 1856.

SIR—I would call your attention to the fact, that there are at the present Indian Encampments, within this Agency District, about eleven hundred friendly Indians.

On the breaking out of hostilities in October last, an order was given by this Department, for all Indians who desired to be friendly towards the whites, to report themselves to the Agent for this District, who would enroll their names, receive and protect them as friends, and appoint local agents to watch over their interests. And that all those who refused to comply with this order, would be considered and treated as enemies. The above mentioned Indians acceded to our terms, and with the exception of a few at Dog River, have been constant in their fidelity. Subsequently to their confederation, circumstances rendered it expedient to circumscribe the area of their communications;—this, while it tended to their security, destroyed many of the ordinary facilities for procuring subsistence, and they soon came to want. Their necessities have been, to a considerable extent, supplied from this Department.

The season for fish having arrived, some few have been furnished with passports to take fish at the Dalles of the Columbia river, on the Oregon side; and while thus peaceably engaged, have been fired upon by the Oregon Volunteers, who are encamped on the north side, and about three miles from the bank of the river If the Indians were permitted peaceably to take fish, they could subsist themselves, and thereby relieve the Government of a large bill of expense.

I have, therefore, to request that you furnish sufficient force to guarantee them protection (during the fishing season) from the common foe, as also from our own people.

I would mention that these people, while engaged in fishing, have been fired upon on two different occasions, the first, about six days ago, slightly wounding the Indian in the hand.

Respectfully,

Your obedient servant,

(Signed) R. R. THOMPSON,
Indian Agent, Oregon.

G. WRIGHT,
Col. 9th Infantry Commanding.

(Official: Signed) T. C. ENGLISH,
1st Lieut. 9th Infantry, A. A. A. G.

TERRITORY OF OREGON, HEAD QUARTERS,
Portland, 13th May, 1856.

Col. G. WRIGHT, *9th Infantry,*
Commanding Northern District, Department of the Pacific:

COLONEL—Your communication of the 27th ult., has been received, with its enclosure, a copy of a letter addressed to you by Indian Agent Thompson, in which he complains of the conduct of the Oregon Volunteers, toward certain alleged friendly Indians at the Dalles. If the complaint be justly founded against individuals of the Oregon Volunteers, no one can regret, or reprobate, such offensive conduct more than myself. I have no information that will justify your use, in general terms, and by an indiscriminate application of the harsh expression that you are "much embarrassed by these wanton attacks of the Oregon Volunteers on the friendly Indians."

In preferring the wish that "the volunteers be withdrawn from the country on the north side of the Columbia river," you seem to be unaware of the fact, that they have only been kept in the field, because that portion of the United States Army stationed in Northern Oregon, has not been actively employed in guaranteeing security to the frontier settlements in that section of the Territory. The presence of the United States troops out of garrison was to be, as it has been, the signal of recall to the volunteers.

In presuming that the Executive of this Territory retains authority over the Oregon Volunteers, wherever they may be employed, you are fully justified by the cheerful respect they have always paid to the Executive authority. Instead of reproach, they are entitled to the highest encomiums. Responding to the concluding paragraph of your commu

nication generally, I take this opportunity to say that in the pursuit and chastisement of hostile Indians, aggressors upon the peace of our settlements, the present incumbent of the Executive Office of this Territory, will be ever actuated by the belief that it is unimportant to consider, and unnecessary to be controlled by limits of Territorial jurisdiction.

It is a matter of congratulation that the United States troops have at length made a forward movement; and I trust that nothing will occur "to render nugatory your proposed campaign into the Yakima country."

I am, very respectfully,

Your obedient servant,

(Signed) GEO. L. CURRY,

Governor of Oregon.

HEAD QUARTERS, NORTHERN DISTRICT,
DEPARTMENT OF THE PACIFIC,
Camp on the Na-chees river, W. T., May 19, 1856.

To His Excellency GEO. L. CURRY,

Governor of Oregon:

SIR—I have the honor to acknowledge the receipt of your communication of the 13th inst., and, inasmuch as you appear to have misapprehended the design of my letter of the 27th ultimo, I would remark, that the request I therein made, was based solely upon the official report made to me by Mr. Thompson, the Indian Agent at the Dalles.

In speaking of the "wanton attacks of the Oregon Volunteers on the friendly Indians," it surely could not be inferred that I intended to convey the impression that the volunteers, in a body, and under their officers, made an attack on these Indians. In a large body of men, hastily collected and marched into the field, it cannot be expected that a rigid system of discipline can at once be enforced; hence, some of the evil disposed may commit irregularties which throw discredit upon a whole corps.

Arriving with my Regiment at Fort Vancouver, near the end of January, at a very inclement season, when it was either raining or snowing most of the time, and after a sea voyage of forty days; I instantly pushed forward my supplies to Fort Dalles, and made every preparation for an early movement for that place, as soon as orders were received, defining a plan of campaign; and when most of my supplies had arrived at Fort Dalles, I concentrated all the troops intended for the expedition

at that place. It was early in March that I moved from Fort Vancouver, and on the 28th of that month I marched for Walla-Walla—my sudden re-call in consequence of the attack on the Cascades, and my operations since are well known.

My Regiment has now been *in garrison* since it left Fort Monroe, Va., on the 15th of December last; for a season, while preparations were being made for the field, the Regiment was encamped; now, tents are discarded, and the bivouac substituted.

In relation to the authority you exercise over the Oregon Volunteers when moving over the Territory of Washington, I certainly supposed that the Executive of the latter Territory might with propriety, claim authority over all forces of that description operating in it. I am not aware that it is customary for Governors of States or Territories, to send their volunteer forces into the adjoining States, beyond their jurisdiction, unless such forces have been mustered into the service of the General Government. However, this is a subject with which I have nothing to do. I most assuredly did not reproach the volunteers for obedience to your orders; I fully concur with you that "they are entitled to the highest encomiums."

In conclusion, I beg leave to remark, that it has always been my aim to cultivate a good understanding with the authorities and people in the country where I am stationed. Since thirteen years of age I have been a soldier; I have served in the east, the west, the north, and the south I have no sectional prejudices; I am a citizen of the United States; I know that an opinion has obtained that soldiers are mere machines; that they have no feelings or sympathies in unison with civilians, and particularly that the regular army is hostile to volunteer troops. This is entirely a mistake, as far as my observation has extended. I have been stationed near large cities and in densely populated districts, and I have almost universally found the greatest harmony, friendship, and deep regret expressed when the social intercourse was broken off by the removal of the troops.

With regard to volunteer troops, I have never seen any unkind feelings exhibited towards them by the regular army. On the battle fields of Mexico, side by side, we fought and conquered, and a friendship cemented in blood, in the hour of victory, will cease only with the last pulsation of a true heart.

With great respect,

I have the honor to be,

Your most obedient servant,

(Signed) G. WRIGHT,

Col. 9th Infantry Commanding.

TERRITORY OF OREGON, EXECUTIVE OFFICE,
Salem, June 14, 1856.

Col. GEO. WRIGHT,

Commanding U. S. Troops, Northern District:

COLONEL—Letters have been received by some of our citizens from their friends in the States, giving the information that a party of emigrants—a small train of wagons—would leave for Oregon the present season, by the usual overland route. If those immigrants started at the accustomed time, they will be in the vicinity of Fort Hall, about the 10th of next month.

It is perhaps needless for me to say, that the recipients of these letters feel much concern for the safety of their friends on account of the pending Indian difficulties.

I deem it my duty to request that you will be pleased to afford all such immigrants that aid and protection which may be in your power, to assure them against Indian depredations, and facilitate their arrival in our setlements

To this end I beg to suggest that a force of United States troops—one company, at least of dragoons, if possible—be ordered forward to meet them at Fort Boise.

I am, very respectfully,
Your obedient servant,

(Signed) GEO. L. CURRY,
Governor of Oregon.

HEAD QUARTERS, NORTHERN DISTRICT,
DEPARTMENT OF THE PACIFIC,
Camp on the Upper Yakima, W. T., June 25, 1856.

His Excellency GEO. L. CURRY,

Governor of Oregon:

SIR—I have this moment received your communication of the 14th instant. All the force at my disposal is now in the field, and actively engaged in pursuit of the hostile Indians in this quarter. Had I the troops to spare, it would be impossible for them to reach the point designated before the last of July.

I am instructed by the Commanding General of the Department, to furnish no escorts other than those required to enable me to execute the duties with which I have been entrusted, except by his orders, or

from the Secretary of War. Your communication has therefore been forwarded to department head quarters.

Very respectfully,

Your most obedient servant,

(Signed) G. WRIGHT,

Col. 9th Infantry Commanding.

REPORT

OF THE

COMMISSIONERS

FOR THE

ERECTION OF A PENITENTIARY, AT PORTLAND, OREGON.

To the Honorable Legislature
of the Territory of Oregon:

In compliance with the duties of their office, the undersigned Commissioners for the erection of a Penitentiary at the City of Portland, beg leave to lay before your honorable body a report of the condition of the work at the period when the present Board entered into office, the progess which has since been made thereon, and its present condition; and would respectfully ask of you such action as may be deemed necessary in the premises.

The present Board of Commissioners was organized on the 21st day of March last, and proceeded at once to examine the state of the work on the Penitentiary building Finding that William M. King, the contractor for the stone and brick work, had not complied with the terms of his contract,—in progressing with and completing the work within a specified time—the Board at once notified him, and declared the contracts null and void, by reason of the non-performance thereof. New proposals were immediately solicited, and at the specified time the contracts were duly awarded to other parties: the brick work being awarded to A. B. Hallock, at the sum of twenty-five dollars per thousand, and the stone work to William H. Frush, at the sum of thirty-three dollars, per perch—laid in the wall.

Previous to the new contractors commencing operations, the Board deemed it advisable to cause a survey to be made of the work performed

by the former contractor, William M. King, and while prosecuting this idea, they discovered a great portion of the foundation for the outer wall of the building which was not laid in accordance with the specifications of his contract, and which subsequently had to be re-laid at a cost of one hundred and sixteen dollars, ($116) which is to be deducted out of any moneys that may be due by the fund to the said William M. King. During the survey, it was also discovered that the flagging on the first tier of cells, (which forms the floor of the second) was also not laid in accordance with the specifications of the contract, as the joints of the flooring were not water-tight, thereby precluding the possibility of ever cleansing out the cell above, without removing the prisoner from the corresponding cell beneath; and in consequence thereof, and other defects, the entire flagging from the six cells heretofore reported as completed, will have to be removed. In running a partition wall across the South end of the building, the Board caused a portion of the foundation laid for the cells, to be removed, and in doing so, discovered that the work was not "grouted;" and report that unless that portion of the foundation be taken up and re-laid, it will be hazardous to erect the block of cells thereon.

The present Board, from the small amount of funds on hand, at the time of their entering into office, to complete the building, found it absolutely necessary to alter the interior arrangements of the present wing, so as to embrace therein all the necessary convenience for the prison, such as cook and mess-rooms, keepers' office, hospital, and other apartments, which may be required until such time as the state of the fund will permit the completion of the entire edifice.

The North wing of the Penitentiary, which has recently been erected under the supervision of the undersigned, is of the following dimensions. The outer walls are of brick, and two feet one and a half inches in thickness. In length, the building is one hundred and fifteen feet, in width fifty feet, and in height twenty-nine feet. The area, where a block of sixty cells is in course of erection, is seventy-seven by forty-five and a half feet, in the clear; this comprises about two-thirds of the entire wing Adjoining the main area is a hall leading from the main entrance into the building, to the office, and by stairs to the upper tiers of cells. The South end of the building is divided into three rooms, of equal size, and fourteen and a half feet high, below; and a corresponding number above. The room in the Southwest corner is intended for the keeper's office, that being nearest the main entrance, and from which he can have full view of the cells in the main area—of the middle or mess room—

and also of the Southeast or cook room. One of the rooms in the second story is intended for an hospital; the other two for workshops, or for any other purposes deemed necessary in the future government of the prison.

All the brick work upon the present wing is completed for an hospital; the other two for workshops, for any other purposes deemed necessary in the future government of the prison.

All the brick work upon the present wing is completed; the iron gratings and window sash are erected; the building is also roofed and covered with tin. In fine, the present condition of the work is such that in a few months we may hope to be able to remove the convicts from their present insecure premises, and in the event of no further appropriations being made by Congress to complete the building, arrangements can be made by which the cells can be erected by the convicts themselves, or wooden cells can be constructed within the present edifice, and be in a measure secure for the safe keeping of the prisoners.

Having given a brief synopsis of the plan of the building, the next subject to which the Board would direct your attention, is to the fact that to a portion of the grounds upon which the Penitentiary is supposed to be located, the Territory has no title; and in connection with this subject, we beg to lay before your honorable body an extract from a report which the undersigned submitted to His Excellency, Governor Curry, previous to his departure for Washington, and a copy of which was also sent to our Delegate in Congress, Gen. Joseph Lane.

REPORT—EXTRACT.

"*To His Excellency* GEO. L CURRY:

"SIR—The undersigned, the present Board of Commissioners for the erection of the Territorial Penitentiary at Portland, deem it advisable, before your departure for Washington, to lay before you a statement of the difficulties respecting a fractional portion of the ground upon which the Penitentiary building is being erected. * * * * The first Board of Commissioners for the erection of a Penitentiary at Portland, selected block one hundred and seven (107) and a fraction of block one hundred and six (106) in this city, as a site for the Penitentiary building, and proceeded to erect the superstructure thereon, but the present Board having reason to believe that the buildings extended further South than the line of the ground purchased, have carefully examined and measured the ground allotted to the building, and find that the North wing of the building is situated on lot five [5] in block one hundred and seven [107] and extends South sixty feet across Hall street

and the Southern line of the foundation is laid upon a fractional portion of lot [8] in block one hundred and six]106] as laid down in the diagram annexed.* Under the existing circumstances, the present Board deemed it advisable to negotiate for the purchase of the whole of lot eight [8] and a fractional portion of each lots one [1] and seven [7] in block one hundred and six, [106] and for that purpose offered the proprietor, Mr. Stephen Coffin, the sum of one hundred and fifty dollars, [$150] per lot, or fractional lots in proportion, that being the sum paid by the first Board of Commissioners for lots in block one hundred and seven, [107.] Mr. Coffin proposed to sell the Commissioners the fraction of block one hundred and six, [be the same more or less,] for the sum of six hundred dollars, [$600;] but the Commissioners having no evidence before them that there was more ground in the fractional block, which of right belonged to him, did not feel themselves justified in acceding to Mr. Coffin's proposition; and thus the matter rests, to be settled at some future day."

In view of all these circumstances, the Board would ask such action be taken as may settle at once the difficulties which present themselves in this instance.

Among the first business which presented itself to the Board was the consideration of the claims of former contractors. Messrs. Jacobs & Co. contractors for stone work, under the first Board of Commissioners, [and whose contract was cancelled on the 10th day of April, 1855,] came before the present Board, in the month of April, last, and requested that some action might be taken upon their claim for material remaining on the ground at the time of their contract being cancelled; and, also, for damages sustained by them in consequence of the Commissioners condemning the stone delivered by them on the bank of the river, opposite the Penitentiary building, &c, &c. After due consideration, and a full investigation of the case, the Commissioners concluded that their claim for damages could not be allowed.

Messrs. Shartle & Roberts, [sub contractors under Messrs. Jaobs & Co.] also applied to the Board for the sum of three thousand six hundred and sixty-seven dollars and ninety-five cents, [$3,667 95,] that being the amount claimed for damages sustained by them also in consequence of the stone which they quarried being condemned by a former Board. From the evidence adduced in the investigation of this case, the undersigned decided that they had no jurisdiction over it; no direct contract ever having existed between Messrs. Shartle & Roberts, and any former Board of Commissioners.

*See Diagram.

William M. King also appeared before the Board and requested that some action should be taken upon his claim for work performed by him on the Penitentiary, under his contract for stone work. The undersigned concluded, that inasmuch as the said William M. King, and his securities had rendered themselves liable in the sum of five thousand dollars, [$5,000] [that being the amount of forfeit named in the bond attached to his contract,] in consequence of a failure on his part to perform said contract according to the specifications thereof, and within a limited time; the undersigned could not make any estimate upon work claimed to have been performed by him under such contract, until some action had been taken by your honorable body as to the propriety of instituting a suit against the said William M. King and his securities, for the recovery of said amount of forfeit; there being no clause in the law by which the Penitentiary Commissioners are governed, authorizing them to commence such an action, or providing for the payment of the expenses thereof.

As will be seen by the Report of the Secretary, the entire appropriation made by Congress to defray the expenses of erecting the building, has been already expended, and a small amount of indebtedness incurred; consequently all further progress of the work will have to be suspended until such time as a new appropriation is made to carry on the work.

The undersigned also beg leave to call the attention of your honorable body to the fact that no provisions are made for employing the convicts, and would respectfully ask for the passage of an act authorizing the Commissioners to employ them in grading, clearing, or otherwise improving the Penitentiary grounds, there being sufficient work of that character which can be done by the convicts, to give employment to all the prisoners during the ensuing year.

In conclusion, the undersigned would report, that during the fiscal year the the number of convicts in the Penitentiary has been nine, [9] during which time three [3] have been discharged: one [1] pardoned, and three [3] admitted. Died, none; escaped, none. At present in custody, seven males and one female—total number, eight [8.] The expenses incurred in the government of the prison during the same period, have been as follows:

Salary of keeper and assistant keeper,	$1,600 00
Board of nine convicts,	2.009 61
Clothing, etc.,	163 75
Medicine, and medical attendance,	67 00
Total amount,	$3,840 36
Cr. By sixty-five [65] days convict labor 62½ cts.,	$ 40 62½
Actual amount,	$3,800 74

A well forty-five [45] feet deep has recently been sunk on the Penitentiary grounds, and which, if properly walled, is capable of furnishing an ample supply of excellent water, for the use of the prison, which has heretofore had to be supplied from the river; the Commissioners would, therefore, ask your honorable body to provide some means by which said well can be walled, and a suitable pump erected therein.

We would also beg leave to call your attention to the fact, that it was found necessary, after the present wing had been enclosed, to have suitable stoves erected therein for the purpose of keeping it dry, and the Board ordered accordingly. The expenses of which will also have to be provided by your honorable body.

All of which is most respectfully submitted.

JOSEPH SLOAN,
W. P. DOLAND,
S. J. McCORMICK,
Commissioners for the erection of a Penitentiary at the City of Portland, Oregon Territory.

PORTLAND, *December 8th*, 1856.

PENITENTIARY FUND.

1855.				Cr.
Dec.	10,		Balance not appropriated at this date, as per report rendered,	$24,803 68
1856.				
Jan.	21,		By draft in favor of J. Burke, *cancelled*,	50 00
			Total amount of unappropriated fund,	$24,853 68

1856.				Dr.
Dec.	29,		Bill of William H. Frush, for reserved pay,	$99 00
1856.				
Jan.	9,	"	J. S. Dickenson for services,	60 00
"	9,	"	A. D. Fitch, for services,	80 00
"	9,	"	A. D. Fitch, for nails, &c.,	23 50
"	9,	"	T. E Northrup, for enclosing penitentiary,	199 60
Feb,	4,	"	A. B. Hallock, for sash and glass,	273 00
"	4,	"	J. S. Dickenson, for services,	23 33
"	4,	"	A. D. Fitch, for services,	15 00
June	19,	"	Leland & Co. for advertising,	9 00
"	19,	"	Carter & Austin, for advertising,	10 00
"	19,	"	T. J. Dryer, for advertising,	12 00
"	19,	"	Joseph Sloan, for services as Commissioner,	115 00
"	19,	"	S. J. McCormick, for services as ditto,	90 00
"	19,	"	S. J. McCormick, for stationery,	5 00
"	19,	"	W. P. Doland, for services,	65 00
"	19,	"	W. H. Frush, for estimate on stone work,	2.174 50
July	10,	"	W. H. Frush, for estimate on stone work,	1,601 50
"	31,	"	A. B. Hallock, for estimate on brick,	1,000 00
"	31,	"	A. B. Hallock, for estimate on excavating,	26 40
Aug.	6,	"	A. B. Hallock, for estimate on brick,	2,000 00
"	21,	"	A. B. Hallock, for estimate on brick,	4,000 00
Oct.	4,	"	A. B. Hallock, for estimate on brick,	5,000 00
Nov.	7,	"	A. B. Hallock, for estimate on brick,	3,000 00
"	7,	"	A. B. Hallock, for estimate on lumber,	2,930 94

Dec.	8,	Bill of	A. B. Hallock, for estimate on reserved pay,	$127 60
"	8,	"	A. B. Hallock, for estimate on painting, &c,	208 25
"	8,	"	A. B. Hallock, for estimate on surveying and drafting,	27 50
"	8,	"	A. B. Hallock, for estimate on iron in roof,	9 00
"	8,	"	A. B. Hallock, for estimate on brick work,	2,088 27
"	8,	"	Joseph Sloan, for services as commissioner,	125 00
"	8,	"	S. J. McCormick, for services as ditto,	75 00
"	8,	"	S. J. McCormick, for stationery and printing,	10 00
"	8,	"	W. P. Doland, for services as commissioner,	65 00

Total amount drawn for,	$25,548 29
Amount overdrawn,	$694 71

S. J. McCORMICK,

PORTLAND, *Dec. 8th*, 1856. *Secretary to the Board.*

REPORT

OF THE

COMMISSIONER

To Audit Claims growing out of the Indian War of Oregon Territory.

COMMISSIONER'S OFFICE, ASTORIA, *Dec.* 1, 1855.

To the Honorable the Legislative Assembly of Oregon Territory:

In conformity to the statutes creating a Commissioner to audit certain claims growing out of the then existing Indian war of 1855 and 1856, the undersigned begs leave to submit the following report:

The whole number and amount of certificates for claims audited and allowed are as follows, viz:

George W. Jackson,	$117 50
Wm. Helm,	9 60
John B. Smith,	155 00
Austin Badger,	223 20
Twogood & Harkness,	1,643 00
John McCullock,	157 00
John D. Bowen,	241 00
Wm. McCullock,	100 00
Lazarus Wright,	750 00
Hiram Smith,	1,287 10
Caroline Niday,	2,724 24
Thos. W. F. Paul,	136 00
Daniel A. Levens,	2,569 00
Davis Evans,	1,183 50
Daniel Miller,	180 00
H. J. Martin,	70 00
G. W. Harris, (estate,)	786 30
W. H. Riddle,	1,239 00
Charles F. Ray,	350 00
Total,	$13,845 84

The undersigned begs leave to observe that in conformity to the statute, he has visited and opened offices at the following different points in the Territory, to-wit: at Salem, Portland, Corvallis, Roseburgh, and Jacksonville, giving as he believes a convenient opportunity for those having claims to present them before the Commissioner for investigation; that there has been no claims presented before him and duly investigated, but what have been found entitled to consideration and in part allowed. There have been many claims presented to me, which, upon examination, were properly referred to the different departments under the military organization, or withdrawn by the applicant without full or complete investigation.

I would observe here that in the investigation of all claims, that the undersigned has required full and explicit proof under oath, not only of the property furnished, but also of its value at the time and place when it was furnished, and I have carefully reduced to writing the testimony of the claimant and principal witness, with their signatures attached, which are numbered and kept on file with the duplicate certificates or vouchers.

PHILO CALLENDER,
Commissioner of War Claims.

REPORT

OF THE

COMMITTEE APPOINTED TO VISIT THE PENITENTIARY.

The Committee appointed to visit the Penitentiary and examine the progress of the work, &c., beg leave to make the following report:

Your committee have, according to instructions, visited the Penitentiary at Portland, and examined the same. The building is brick, combining both strength and beauty, and reflecting much credit upon the architect, A. B. Hallock, Esq., who took and prosecuted the work so far as it is done, viz the walls, the roof, windows, and a part of the floors.

The outer walls of the building are twenty-nine feet in height to the roof plates, and twenty-five and a-half inches in thickness. The roof is a principal or self-supporting one, combining great strength and beauty, with a close sheathing of boards on the rafters, over which is a covering of tin, which is perfectly water tight. The main area of the building in which the cells are situated, is about seventy-five feet in length and fifty in width, the floor completed, and six cells ready for the reception of prisoners.

The cells, with much of the stone work, have been badly done, and two tier of the top stones of the cells will necessarily have to be taken down for reasons which will be found in the Peitentiary Commissioners' Report, now before you.

And we, your committee, would state that in our opinion, there has been an unwarranted prodigality of the expenditures of the funds appropriated for Penitentiary buildings, by some of the former commissioners; as there has been some sixty thousand dollars expended, and there is nothing of any value to show except the site and building above

referred to, and the six cells, together with some iron doors and some stone work for cells, which is not substantial, and nearly of which will have to be taken up and re-laid before it will be of any value.

There is a hall of twelve feet in width, running across the building, in which the floors are finished. In the South end of the building there are six rooms, each of which is twenty feet long and sixteen wide; the lower three are intended—one for an office, one for a mess room, and the other for a kitchen. Those above—one for a hospital, the others for a work-shop, all of which rooms have doors communicating with each other and also into the hall. All the interior walls are seventeen inches thick; the lower floors of the whole building are laid, and the lining of the upper ones. The windows are all strongly grated with wrought iron bars sufficiently close to prevent the least fear of the escape of prisoners through them.

There are no doors hung in the building, except those of above specified six cells, consequently the new building cannot be used until that shall have been done, and as there is not a dollar in the hands of the Commissioners of Penitentiary funds, they cannot have it done until the means are at their command.

The foregoing being the situation in which the building now is, and the great necessity for having it in a fit situation for the reception and safe keeping of convicts, your committee would, therefore, most earnestly and respectfully recommend that there be an appropriation made of some six hundred dollars, out of the Territorial Treasury, for the purpose of enabling the Commissioners to put the building in a fit condition to keep the convicts securely without the necessity of a constant guard, as the old building is utterly unfit and unsafe for the purposes of a prison; it being an old dilapidated, wooden building, scarcely secure enough for a horse stable. In consequence of the building having been erected differently from the orginal plan, there are six cell and two large four-fold doors, all wrought iron, which will not be of use. The aggregate weight of said doors is near six thousand pounds. These doors, we are informed, could be sold at a fair price. Your committee would, therefore, recommend that the commissioners be empowered to sell them and use the proceeds towards the completion of the building.

The grounds belonging to the building are in a rough and uncouth state, and your committee are of opinion that the convicts might be profitably employed thereon, for a considerable length of time, in grading, cleaning off the rubbish, fencing, and any other work necessary to be done for the convenience and use of the prison.

From the best information your committee could obtain, there is no person who knows on what ground the Penitentiary stands, they therefore, would recommend that the necessary means be speedily taken to have the ground surveyed and the boundaries fully defined, as this will prevent any litigation in the premises, which is now threatened.

Your committee would further recommend that some provision be made by which the convicts can be made to earn someting for their support, as it would be for their own benefit, as they are now kept in close confinement without exercise, and consequently their health becomes delicate and liable to disease. Therefore, your committee are of opinion that some measures should be speedily taken to put the prisoners to work as soon as possible.

There are three branches of mechanism which, in the opinion of your committee, might be made profitable to the Penitentiary, if carried on by the convicts, viz: coopering, blacksmithing, and shoemaking, but there is no doubt that coopering would be most profitable, as stock could be easily obtained without much expense, and there is a great and growing demand for coopers' ware, which could be sold at a good profit and be a source of revenue to the Territory.

Since the report of the Penitentiary Commissioners was presented to this House, said Commissioners have purchased and put up two large box stoves, together with a large drum on each, which, together with pipe, zinc, and wire, cost three hundred and two dollars and seventy-five cents. These stoves, when the doors are put into the building, will sufficiently warm the whole area in which the cells are situated.

Every facility was kindly offered your committee by the Superintendent, Mr. Sloan, and his deputy, Mr. Pickett, in making the investigation required.

All of which is most respectfully submitted.

H. D. O'BRYANT,
J. W. MOFFITT,
AARON ROSE.

PILOT COMMISSIONERS REPORT.

To the Honorable Legislative Assembly of the Territory of Oregon:

We, the Commissioners appointed by your honorable body, in compliance with a law passed at the last session of the Legislative Assembly, for the establishment of a Branch of Pilots on the Columbia and Willamette rivers, would beg leave to submit the following report:

We have paid three visits on the bar, one of which was of twelve days continuance; and, therefore, are prepared to make a full report of the commerce of the Columbia river, but which, nevertheless, will not give the satisfaction, which another year's operation of the same is destined to impart to the Territory, as we have no data to compare the present year's commerce with, as no previous reports of the amount of commerce has ever been obtained, and which this is destined to obviate in the future.

We will append to this report, a table of the number of vessels that have arrived of foreign and coastwise, the number of tons of each, and, as near as possible, the kinds and value of cargo exported.

There has been four branches issued upon the bar, and all those to whom they have been issued are all skillful, sober, and experienced seamen, and all thoroughly acquainted with the mouth of the Columbia river, the changes of whose sands require the greatest assiduity and unremitted diligence to retain a full and correct knowledge of

The Pilots on the bar have performed their duties most faithfully, and have received but a scant compensation for the labor and expense bestowed, owing to the great decrease in the commerce of the present year compared with the three past, on account of the reduced prices and demands for lumber, spars, &c Their expenses are very heavy, as they furnish their own boat, (which is not surpassed by any on the western coast) requiring a crew of four men at all times, exclusive of the Pilots, whose wages are much greater than those paid by other sea going vessels, owing to the continual dangers attendant upon cruising upon a

lea shore. We fear if there is no increase of commerce the ensuing year, they will be compelled to haul their boat off, and engage in some other business; which would be a great misfortune, as they have given entire satisfaction to all shipmasters and owners, who speak in the highest terms of their conduct.

We are happy to state that the light house on Cape Disappointment is completed. There are also four river Pilots, all of whom are good and experienced men, and give general satisfaction.

There have arrived at Columbia river since the 1st day of January, of the current year, and departed, the following: 11 steamships; 27 barks; 17 brigs; 10 schooners, and 1 brigantine; the aggregate amount of which is 7145 tons; giving employment to 318 men.

(Signed) WILLIAM TICHENOR, *Chairman.*

REPORT AND PAPERS

IN CASE OF

CONTESTED ELECTION,

J. W. MOFFITT *vs.* JAS. TAYLOR, OF CLATSOP COUNTY.

The Committee to whom was referred the papers and proofs in the case of Moffitt *vs.* Taylor, the former of whom contests the latter's right to a seat in the House of Representatives, have had the same under consideration, and beg leave to submit the following report:

From the allegations and proofs before them, as well as from the admissions of the parties, the committee find—

First, That on the first Monday in June last past, the day of the annual election for the election of Representatives to the Legislative Assembly of the Territory of Oregon, Joab W. Moffitt and James Taylor, both residents of the county of Clatsop, in the said Territory of Oregon, were opposing candidates for election to the aforesaid House of Representatives; that a majority of two votes was cast for said Taylor, the sitting member, and who was declared duly elected, and received the certificate of election.

Second, That Charles Hendrickson, Charles West, and William Latty, voted for said James Taylor, the sitting member, and that Hiram Brown, W T. Harrington, Alfred Wood, Daniel Smith, and Thomas Heart, voted for the said Joab W. Moffitt, the contestant.

Third, That the said Joab W. Moffitt, contestant, alleges that the aforesaid Hendrickson, West, and Latty, who severally cast their votes for the said James Taylor, the sitting member, were not entitled to vote, and that their votes were and are illegal

Fourth, That both the sitting member and the contestant were either duly served with notice of the time and place of taking depositions to

be used in this contest, or were mutually present at the time of the taking of said depositions, thus practically waving notice.

Fifth, That the aforesaid Hiram Brown, W. T. Harrington, Alfred Wood, Daniel Smith, and Thomas Heart, who voted for said Joab W. Moffitt, the contestant, are declared, by the said James Taylor, the sitting member, to have been unentitled to vote, and that their votes were illegal.

Sixth,-That neither the contestant nor the sitting member have any other or additional proofs to offer, but submit their contest upon the papers, allegations, proofs, depositions, &c., now before the committee.

The committee find the foregoing six points are established by the mutual concessions and agreement of the parties.

The committee would state that they find the depositions in this case, both those taken to be used on the part of the contestant as well as those produced on the part of the sitting member, to a very great extent, illegal, contradictory, confused, and unsatisfactory; and that they, your committee, are of the opinion, that at least one-half the depositions produced before the committee are of no force or effect, being wholly illegal, irrelevant, impertinent to the main issue, and of no force.

In passing upon the testimony submitted to them, your committee have been governed by certain admitted and well established rules of evidence, the decisions of our judicial tribunals, and especially those of the Surveyor General, and the Registers and Receivers of the Land Offices of the Territory. Your committee especially refer to the decisions of the latter, inasmuch as the legality or illegality of most of the votes challenged, or the illegality of which is affirmed by both the sitting member and the contestant, has reference to, and depends upon, the construction of the act of Congress approved Sept. 27, 1850, entitled "An act creating the office of Surveyor General of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands;" and also upon the construction of, and the decisions under said act, by the aforesaid Surveyor General, Registers and Receivers.

Governed by the aforesaid rules of evidence, and the constructions and decisions referred to, your committee proceeded to examine, review, and pass upon the depositions submitted in this case, as follows, to-wit:

The several witnesses and their depositions, as introduced by Mr. Moffitt, the contestant, satisfy your committee that Charles Hendrickson, Charles West, and William Latty, all of whom voted for James Taylor, the sitting member, were each and all of them, at the time of

voting, on the first Monday of June last past, not entitled to vote, and that, therefore, their votes were illegal, and ought not to have been received or counted by the judges of election. The testimony furnished your committee by the said Moffitt, touching the qualifications of the aforesaid Hendrickson, West, and Latty, and their right to vote, in the estimation of your committee, satisfactorily establishes the following facts, viz:

First, That William Latty was and is a half-breed Indian, and as such not entitled to vote.

Second, That Charles Hendrickson was, at the time of voting, a resident of Tillamook, and not of Clatsop county, or that he was not at that time, in any event, a *citizen*, in contemplation of *law*, of Clatsop county, and that, therefore, he was not entitled to vote, and his vote is illegal.

Third, That Charles West was not at the time of voting, a citizen of Clatsop but of Tillamook county.

And the committee, after having thoroughly and fairly examined the depositions referring to the right of Messrs. Brown, Harrington, Wood, Smith, and Heart, are of the opinion that the evidence does not invalidate their right to vote, and that, consequently, their votes are and were legal, properly received and counted by the judges of election. The evidence in regard to each of the foregoing five voters, though somewhat contradictory and unsatisfactory, does, nevertheless, satisfy your committee that each and all of said voters were native born or naturalized citizens of the United States; that they were free white men of twenty-one years of age; that they had resided in the Territory of Oregon six months, and in the aforesaid county of Clatsop fifteen days next preceding the annual election of June, 1856, at which they voted.

Your committee, in pursuance of the foregoing views, declare that, in their judgment, Joab W. Moffitt is entitled to the seat in the House of Representatives now held by James Taylor, the sitting member.

All of which is respectfully submitted.

A. L. LOVEJOY,
DELAZON SMITH,
THOS. J. DRYER,
AMOS E. ROGERS,
B. B. COCHRAN.

J. W. MOFFITT,
vs
JAMES TAYLOR } CONTESTED ELECTION.

Depositions of witnesses taken at the Court-house in Astoria, in the county of Clatsop, and Territory of Oregon, on the first day of July, A. D. 1856, to be used in evidence in the above entitled cause on the part of the contestant.

ROBERT SHORTESS SWORN.

Question. Do you know William Latty?

Answer. I do.

Q Do you know William Latty to be a half breed Indian?

A. I do not know it.

Q. Do you know an Indian woman in Clatsop county, whom William Latty acknowledges to be his mother?

A. I know one whom I believe he acknowledges to be his mother.

Q Do you believe William Latty to be a half breed Indian?

A. Yes.

Q. Have you at any time heard any person dispute his being a half breed Indian?

A. Not to the best of my recollection

C How long have you been acquainted with Mr. Latty?

A. Ten years, (about)

Q. Did the reputed father and mother of said Latty live together as man and wife; and was the mother an Indian woman? [Objected to.]

A. I do not know whether as man or wife, but know that they lived together. She was an Indian woman.

CROSS-EXAMINED BY J. TAYLOR.

Q. Do you know that William Latty's mother is an Indian woman?

A. I do not know that his mother is an Indian woman.

Q. Do you know the reputed mother of William Latty to be a full-blooded Indian woman?

A. I do know it, I believe it.

Q. Do you of your own knowledge know the said Latty to be a half breed Indian?

A. I do not know it, but I believe it.

Q. Do you know William Latty to be a descendant of A. Latty, and the aforesaid Indian woman?

A I do not know it, but believe him to be so.

Q. Do you know A. Latty, the reputed father of William, to be a full blooded white man?

A. I do, judging from his complexion.

R. SHORTESS.

SOLOMON H. SMITH SWORN ON THE PART OF J. TAYLOR.

Q. Are you acquainted with William Latty?

A. Yes.

Q. Does he claim to be a white man?

A. Yes.

Q. How many years have you been acquainted with him?

A. Twenty years.

Q. How old do you suppose he is?

A. About twenty-three years.

Q. Since he came of age, has he exercised the privileges of a citizen generally?

A. He has, except voting.

Q. Was his vote challenged at the polls this year?

A. It was not.

Q. Was he advised that he was a legal voter by any person or persons?

A. He was by several.

Q. Please state by whom?

A. John Adair, P. Callender, and myself, and others.

Q. Were you one of the judges of election?

A. I was.

Q. You considered he had a right to vote by your reading of the statute?

A. I did.

Q. Is William Latty a resident of Clatsop county?

A. Yes.

Q Do you know him to be a tax payer in Clatsop county?

A. I do.

CROSS-EXAMINED BY J. W. MOFFITT.

Q. Do you know that William Latty is a white man?

A. I do not

Q. Do you believe William Latty to be a half breed Indian?

A. By his complexion I should judge he was.

RE-EXAMINED BY TAYLOR.

Q. Do you know William Latty to be a half breed Indian?

A. I do not.

Q. About how much tax does he pay yearly?

A. About fifteen dollars last year, beside road tax.

S. H. SMITH.

F. BEERMAN SWORN ON THE PART OF TAYLOR.

Q. Do you know whether William Latty has worked road tax this year?

A. I do.

Q. Do you know how many years he has paid a road tax?

A. Three years that I know of.

Q. Has he ever refused paying his taxes?

A. Not to my knowledge.

Q. Does William Latty hold a claim?

A. He does.

Q. Do you know whether he has proven it up in the Land Office?

A. He has.

Q. Is he a property holder in your neighborhood?

A. He is.

CROSS-EXAMINED BY MOFFITT.

Q. Do you believe the said Latty to be a half breed Indian?

A. I believe he is, judging from his complexion. I have seen white men as dark complected as he is.

Q. Have you any other reasons for believing him to be a half breed Indian?

A. I have not.

Q. Have you not heard many persons say that he was a half breed Indian?

A. I do not recollect.

F. BEERMAN.

E. G. INGALLS SWORN, SAYS.

Q. Do you know Charles Hendrickson?

A. I do.

Q. Was he Captain of the schooner "Morning Star," on the last day of May, 1856?

A. He was.

Q. Where was the "Morning Star" trading to and from?

A. From Portland, O. T., and Olympia, W. T.

Q. Where was Capt Hendrickson on the 29th day of May, 1856?

A. Outside Columbia river bar.

Q. What day of the month did Capt. Hendrickson leave Puget's Sound?

A. On the 22d May, 1856.

Q. Was Capt. Hendrickson in Clatsop county on the 28th day of May last?

A. He was not.

Q. Had Capt. Hendrickson a residence in Clatsop county prior to that time?

A. I believe he had.

Q. How long before that time had he a residence in said county?

A. Over two months.

Q. Do you know whether Capt. Hedrickson holds a claim in Oregon Territory or not?

Q. If so, where is that claim?

A. At Tillamook.

Q. Was Capt. Hendrickson a resident of Clatsop county fifteen days next preceding the last June election?

A He was, if he had a residence while sailing from this port.

CROSS-EXAMINED BY MR. TAYLOR.

Q. Speaking of the port, what did you mean?

A. The port of Astoria.

Q. Was Capt. Hendrickson a resident of Astoria the forepart of May, previous to the 15th?

A. He was, if I understand what constitutes a residence.

Q. Who were the owners of the "Morning Star" during the time of trip to the Sound referred to?

A. H. D. Green & Co., of Astoria.

Q. Do you know that Capt. Hendrickson shipped as master at Astoria for that trip?

A. He did.

Q. Do you know whether when the vessel returned from her trip to

Astoria, on the 30th of May last, that Capt. Hendrickson took up his residence again in Astoria?

A. He has lived and been employed here since that time.

RE-EXAMINED BY MR. MOFFITT.

Q. Did Capt Hendrickson load or unload at Astoria, in making his last trip to and from the Sound?

A. He did not, other than discharge ballast

Q. What do you understand to constitute a residence?

A. Six months residence in the Territory, and I believe fifteen days in the county.

Q Was he in Clatsop county fifteen days prior to the last June election?

A. He was on board of the vessel bound for this port.

E. G. INGALLS.

CAPT. CHARLES HENDRICKSON SWORN, SAYS

Q Did you vote in Astoria, Clatsop county, in June, 1856, for Territorial and County officers?

A. I did.

Q. Had you been residing in Clatsop county the fifteen days next preceding the election?

A. I was on board a vessel belonging to Astoria

Q. Where was that vessel during the fifteen days next preceding the election?

A. On a trip from Olympia to Astoria

Q. Do you own a claim in Tillamook county?

A. I do.

Q. How long have you lived on that claim?

A. Two years and four months

Q. Do you consider that your time is still going on as a resident on that claim?

A. I do.

Q. Do you believe that a man can have two residences at the same time?

A. A man cannot live in two places at the same time; wherever he lives his residence must be.

Q. Do you consider that you have resided on your claim in Tillamook, from the time you took that claim continuously up to the present time?

A. I do.

CROSS-EXAMINED BY MR. TAYLOR.

Q. Do you consider that your residence on your claim in Tillamook is a constructive residence given by the law?

A. I do.

Q. How long have you been a resident in Astoria?

A. About three and a half months, or since some time in March 1856.

Q. Has your residence been in Clatsop county ever since that time?

A. I consider that it has.

Q. At any time of your leaving this county, between that time and this, was it with the intention of returning to this county again?

A. It was.

Q. Is your residence in this county at the present time?

A. It is.

Q. Please state whether at the time you voted last June, your vote was challenged?

A. It was.

Q. Were the objections to your voting withdrawn?

A. They were not.

Q Did the judges of election receive your vote as legal?

A. They did.

RE-EXAMINATION.

Q. Do you consider that you have a residence on your claim in Tillamook county at the present time?

A. No.

Q. Do you expect to hold your claim in Tillamook by a continued personal residence on it?

A. I do.

CROSS-EXAMINATION.

Q. Have been back to Tillamook county since leaving there in March last?

A. I have not.

Q. Have you been out of Clatsop county at any time since that time except on business with the intention of returning to Clatsop county?

A. I have not.

RE-EXAMINATION.

Q. Do you consider that Charles West's voting here at the last elec-

tion is on the same ground that yours is, except that he did not hold a claim in Tillamook?

A. I do.

Q. Do you know that Charles West did not vote here at the same time that you did?

A. He did.

CROSS-EXAMINATION.

Q. Has Charles West been a resident here in Clatsop county since your arrival here some time in March last to the present time?

A. He has.

RE-EXAMINATION.

Q. Was Charles West with you on board the "Morning Star" during the trip you made immediately preceding the election?

A. He was.

CHARLES W. HENDRICKSON.

N. A. EBERMAN SWORN.

Q. What did Charles West tell you relative to a claim which he held in Oregon Territory?

A. A few days after the election I asked him if he had disposed of his claim yet, and he told me in presence of twenty persons that he had not.

Q. Did he say where that claim was?

A. He said it was in Tallamook

Q. Did he say to you that he had sold his claim since the election?

A. He told me last Saturday that he had sold his claim.

CROSS-EXAMINATION.

Q. Do you know about what time Capt. Hendrickson and Charles West came to Clatsop county?

A. As early as the 1st day of April.

Q. Do you know that Charles West has made this place his residence since he came here with Capt. H. last April, or thereabouts?

A. I do not know; I think he has.

CROSS-EXAMINATION.

Q. What did Charles West tell you since the election in relation to hoeing or planting potatoes?

A. He told me that he had not planted any potatoes on his place yet, but he wanted to plant them some time in June.

N. A. EBERMAN.

Adjourned till nine o'clock to-morrow morning.

JULY 2, 1856.

THOMAS HART SWORN, DEPOSES AND SAYS:

Q. What did Charles West say in your presence or to you in relation to his claim in Tillamook?

A. He said that he held his claim in Tillamook.

Q. When did he say this?

A. About three days after the election in June last.

Q. Was Charles West a resident of Clatsop county during the fifteen days next preceding the election?

A. I do not know where he was during that time, but did not consider that he was a resident of this county at all.

CROSS-EXAMINATION.

Q. On what do you form your opinion in saying that you did not consider Charles West to be a resident of this county during the fifteen days next preceding the last election?

A. On his saying that he held a claim in Tillamook, and must return immediately to plant potatoes there.

Q. How long before the election did you know Charles West to be in Astoria?

A. I do not know how long it was.

Q. Was he here a month or six weeks before the election?

A. I do not know; I think not.

Q. Did you vote at the last election for Territorial and County officers?

A. I did.

Q: Are you a man of family?

A. I had a family. I suppose I have now.

Q. Where does your family reside?

A. In New Haven, Conn.

Q. Is your family keeping house there?

A. They are not.

Q. Is it your intention to return to New Haven to reside?

A. I decline answering that question.

Q. Did you leave New Haven with the intention of making a residence in Oregon?

A. I did, the last time I left them.

Q. Is it not your intention to personally leave Oregon soon?

A. It is my intention to leave soon, and how soon I shall return I cannot say.

Q Is it your intention to return to Oregon?

A. I have not decided whether I shall return or not.

Q Have you ever owned any taxable property in this county?

A. I have, and paid taxes.

Q. Do you own any taxable property in this county at the present time?

A. I do.

Q. What description of property is it?

A. Gold dust.

Q What has been your occupation in Oregon?

A. Practising at the bar most of the time.

Q. Who has been for the last two terms the legal sheriff of Clatsop county?

A. I have.

THOMAS HART

H. D. GREEN SWORN ON THE PART OF COL. TAYLOR.

Q. Are you acquainted with Charles West?

A. I am.

Q. How long has he been a resident of Clatsop county?

A. I think he came here in the latter part of March.

Q Has he resided here since that time, with the exception of what time he has been off on business?

A. I should think he has.

Q. Did you employ him to go a trip to the Sound and back?

A. I did.

Q. Did he reside in this county at the time you employed him?

A. He was here.

Q. When the voyage was completed, did he stop at this place?

A. I employed him for another trip; he stopped while the vessel lay here.

Q. When he had completed the two trips, did he then stop at this place?

A. He stopped one or two weeks, until he had a chance to go another trip.

Q. Are you of the firm of H. D. Green & Co., of this place?

A. I am.

Q. Are your firm the owners of the Morning Star?

A. We were at the time she made the two trips.

Q. Did the Morning Star leave this place when she made the trips with the intention of returning to this port again?

A. She did—or her owners so intended.

Q. Was the engagement with Charles West to expire at this place on the return?

A. It was.

Q. What time was this trip made?

A. It commenced the last of March, or first of April, and ended about the 22d or 23d of April. I employed him to go the second trip the day after she arrived. I believe he stayed aboard the schooner all the time. The ending of that trip was about a month from that date.

Q. Did he remain here until after the election?

A. I saw him here election day.

CROSS-EXAMINED.

Q. Did not Charles West arrive here on the last trip on the 31st day of May last?

A. I could tell within several days.

Q. Was Charles West in Clatsop county for the fifteen days immediately preceding the election in June last?

A. I should think not.

RE-EXAMINED.

Q. What was the reason that Charles West was not in Clatsop county the fifteen days above named?

A. I had hired him to go to the Sound in the "Morning Star."

Q. Do you know if Charles West resided or was gone from Clatsop county for the fifteen days preceding the election, except on the trip on the "Morning Star" referred to?

A. I do not.

CROSS-EXAMINED.

Q. Do you know that Charles West would have been in Clatsop county those fifteen days, if you had not hired him?

A. I do not.

RE-EXAMINATION.

Q. Have you any evidence that he would not have been in Clatsop county, if you had not have hired him?

A. I have not.

H. D. GREEN.

JOHN MCCLURE SWORN ON THE PART OF COL. TAYLOR.

Q. Do you consider Thomas Hart to have been the legal Sheriff of Clatsop for the last two terms?

A. I think not; I am one of his securities, and am very uneasy about it.

Q. From Mr. Hart's conversation generally, do you consider him a resident of this county?

A. I do not.

Q. Has he ever owned any property in this country, or taken any interest in the general welfare of the country?

A. I do not know of his owing any property. He owned a grocery, and kept it for several years, I believe.

Q. Do you know at what bar Mr. Hart practiced at?

A. I do not know, unless it was a grocery bar.

CROSS-EXAMINED BY MR. MOFFITT.

Q. Do you consider yourself an extraordinary judge of law?

A. I do not, nor you either.

Q. Did Mr. Hart perform labor for the McClure Milling Company, to the amount of $500, or more?

A. He performed labor to the amount of $480, or thereabouts, according to the account I saw.

JOHN McCLURE

TERRITORY OF OREGON, } ss.
County of Clatsop, }

I, Samuel T. McKean, Clerk of the District Court of said county, do hereby certify, that the foregoing depositions were taken before me, and reduced to writing by myself, C. J. Trenchard, James Wayne, and J. D. Fay, at the Court-house, in said county, on the first and second days of July, A. D. 1856, in pursuance of notice; that the before named witnesses before examination, were severally sworn to testify the truth, the whole truth, and nothing but the truth; and that the said depositions were carefully read to said witnesses, and then subscribed by them.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the said court at Astoria, in said county, this 4th day of July, A. D. 1856.

[L. S.]

SAM'L T. McKEAN, *Clerk.*

JOAB W. MOFFITT,
vs.
JAMES TAYLOR.

Contested election for a seat in the House of Representatives of the Legislative Assembly of Oregon Territory, for the county of Clatsop.

To said Joab W. Moffitt.

You are hereby notified, that depositions will be taken in the above proceedings or case, at the house of Eben Weld, (a Justice of the Peace,) in Oak Point precinct, Columbia county, and Territory of Oregon, on Friday, the 26th inst., 1856.

JAMES TAYLOR.

Astoria, Sept 16, 1856.

Depositions taken in Astoria, July, 1856, to be used in the contested election case between J. W. Moffitt vs James Taylor.

JOHN BOYD SWORN ON THE PART OF MR. TAYLOR.

Q. Are you acquainted with Hiram Brown, of Pacific county, Washington Territory?

A. I am.

Q. Did you pass over from Astoria to Pacific City, Washington Territory, W. T., with Hiram Brown and others on the 2d day of May, 1856?

A. I did, on or about that time.

Q. What did Hiram Brown say at that time in yonr hearing in relation to his moving from Washington Territory into Oregon?

A. We were speaking of Messrs. Meldram, Holman and others, leaving Pacific county, and Mr. Brown said that he thought he should not hail from that county much longer; that he intended to come on this side of the river to live, or words to that effect.

Q. Did you hear Mr. Brown say anything further at that time in relation to his holding over?

A. He said there were but few people remaining on that side, and that it was lonesome there, and he did not wish to stay there in Washington Territory, and it was my impression that he intended to come over here to reside in Oregon.

Q. Did you ever hear Mr. Brown say anything about this matter at any other time?

A. I often heard him say that he intended to leave Chenook, if he could sell his property there.

Q. Has Hiram Brown been generally considered within the six months last past as a citizen of Pacific county, W. T.?

A I don't know anything to the contrary, he was working at his trade last winter in Astoria, O T.

Q When working at his trade last winter, in Astoria, did he frequently visit his home in Chenook?

A. I do not know; I do not recollect seeing him there during the winter, but have frequently during last spring seen him there.

Q. When you saw him in Chenook last spring did he show you any property which he had there?

A. He did. He showed me his garden and some vegetables which were growing.

Q Did he speak of cultivating them himself?

A. I do not know. He said they were his

Q. Did you visit him in his house

A. He took me through his house, unlocking it in passing into his garden, and showed me some crockery-ware in the house as his own.

Q. Have you eat with Mr. Brown in his house at Chenook, within the last six months?

A. No, since Mr Stevens left it, his house has been unoccupied until spring when Mr Wilson come in.

Q. Where did Mr. Brown board in Chenook?

A. Part of his time at Mr. Weston's public house, and part of the time he kept bach with Mr Lamly, in the house of Lamly.

Q. Did you hear his name mentioned as a candidate for representative for Pacific county, during the last six months?

Q. I have not

CROSS-EXAMINED.

Q. At what time did Mr. Stevens leave Hiram Brown's house, and at what time did Mr. Wilson move into it?

A. I think Mr. Stevens left it in December, 1854. Mr. Wilson moved into it in May, 1856.

RE-EXAMINED.

Q. Was Mr. Brown boarding with Mr. Stevens at the time the latter left the former's house in Chenook?

A. He did.

Q. Did Mr. Brown move over with Mr. Stevens into Oregon Territory, or did he remain in Chenook, W. T.?

A. He remained in Chenook.

Q. Was Mr. Brown boarding with Mr. Weston or keeping bach with Mr. Lamly at any time within the last six months?

A. I do not know. I saw him then at Chenook, at court time, but did not know where he boarded.

Q. Has Mr. Brown told you at any time within the last six months that he moved over to Astoria?

A. He has told me that he has had his washing done here for, I think, eleven months; he never has told me that he intended to reside permanently on this side.

Q. When did he tell you this about his washing?

A. Since the last annual election.

Q, Was you speaking with him at the time about the election?

A. I was.

CROSS-EXAMINED.

Q. Did Mr. Stevens move directly into this Territory on leaving Mr. Brown's house in Chenook?

A. He did.

JOHN BOYD.

Adjourned till Monday, 7th.

JULY 7, 1856.

Parties met.

P. W. GELLET SWORN.

Q. Did you, within six months previous to the last annual election, hear Mr. H. Brown speak of moving into this Territory to reside?

A. I did not hear him speak of moving into this Territory; but I heard him say that he did not live in this Territory—that his interests were not here—that he took no part or interest in our sectional affairs. I heard this statement about two months before the June election, at Astoria, in Oregon Territory.

Q. Had this conversation any reference to the approaching election?

A. It had not.

CROSS-EXAMINED.

Q. Did Mr. Brown, in the conversation above referred to, say anything in reference to voting on questions where the upper and lower towns were the contending parties?

A. I did not.

Q. Did you, of your own personal knowledge, know where Mr. Brown did reside at that time?

A. I did not, but had heard that he lived in Washington Territory.

Q. From whom did you hear that he lived in Washington Territory?

A. I do not recollect, but have heard it often

Q. Have you, within the last seven months, seen Mr. Brown in Astoria, as often as you have seen the majority of the citizens of Astoria?

A. I have not.

Q. When did you first see Mr. Brown?

A. I do not recollect.

Q. Did you see him more than eight months ago?

A. I did.

EXAMINATION IN CHIEF.

Q. Was you ever in Washington Territory?

A. I was not.

Q. If Mr. Brown resided in Clatsop county during the six months previous to the June election, would you have been likely to have known it?

A. I would.

Q. Do you believe that Mr. Brown resided in Oregon Territory previous to the six months preceding the June election?

A. I do not.

P. W. GELLET.

MRS. ELIZABETH SKINNER SWORN.

Q. Are you acquainted with Hiram Brown?

A. I am.

Q. Did you, on or about the second day of May last, cross from Oregon Territory to Washington Territory, in company with Mr. Brown and others?

A. I did.

Q. Did you hear Mr. Brown say anything about moving from Washington Territory to Oregon Territory? If so, please state what you heard him say at that time.

A. Mr. Brown remarked that that was about his last trip between Chenook and Astoria; when some one asked him what he was going to do; he said he was going to move to Astoria.

Q. Did you hear him say at that time that he had hailed from Chenook long enough?

A. I think I did.

Q. Did you hear him say that others (naming them,) were going to move away from that side of the river; that it would be lonesome; that he would move too?

A. I did.

CROSS-EXAMINED.

Q. Where did you first become acquainted with Mr. Brown?

A. I think it was in the boat, passing from Pacific City to Astoria.

Q. At what time was this?

A. I cannot tell.

Q. Did your acquaintance with Mr. Brown commence previous to the time that this conversation took place on the boat?

A. It did, sir.

Q. Where did Mr. Brown live at the time the conversation occurred on the boat?

A. He lived in Chenook.

Q. Do you not know of your own knowledge, that he lived in Astoria at that time, and during the winter?

A. I do not.

Q. Do you know he did not live in Astoria at that time?

A. I know nothing further than that he said he was going to move to Astoria—that he had lived in Chenook long enough.

E. K. SKINNER.

GEORGE SUMMERS SWORN.

Q. Are you acquainted with Hiram Brown?

A. I am.

Q. Do you know anything about Mr. Brown moving from Washington Territory to Oregon?

A. Some time between the 15th of February and the 1st of June.

I heard some person on the street speak—Hallo! Brown, are you moving over here, and the reply was yes. The foregoing conversation took place in Astoria, O. T.

CROSS-EXAMINED.

Q. Do you know that Mr. Brown lived in Astoria previous to the time that you heard this conversation?

A. I know that he was at work for Mr. Bolin, a few days previous to my leaving in December.

EXAMINATION IN CHIEF.

Q. Do you know that Mr. Brown resided in Astoria previous to the time of the conversation above alluded to?

A. I do not.

Q. Was it your impression from general report, that he resided at Chenook at that time?

A. It was.

CROSS-EXAMINED.

Q. Do you know that he did not reside in Astoria previous to that time?

A. I do not.

EXAMINATION IN CHIEF.

Q. Do you live in Astoria, and are you acquainted with the most of the people in Astoria?

A. Yes.

CROSS-EXAMINED.

Q. Have you ever seen Mr. Brown any where else, except in Clatsop county?

A. I have—at Portland.

Q. Have you ever seen Mr. Brown out of Oregon Territory?

A. I do not recollect to have seen him out of Oregon Territory.

EXAMINATION IN CHIEF.

Q. Have you often visited Chenook, in Washington Territory?

A. I have not.

GEORGE SUMMERS.

CONRAD BOELLING SWORN.

Q Are you acquainted with Hiram Brown?

A. I am.

Q. State on or about the day that Hiram Brown moved from Chenook to Astoria?

A. He came over to work for me about the 12th or 13th of December last, the last time.

Q. When he was at work for you, did he frequently speak of going home, and did he frequently go over to Chenook?

A. He went to Chenook once or twice during the time he was at work.

Q. Since the the 12th of December last, have you heard him say that Chenook was his home?

A. I do not recollect.

Q. Sometime in March last, did you not hear Mr. Brown say that he would have to go home and plant potatoes?

A. Some time last spring, Mr. Brown came over from Chenook, and I asked him where he had been; he said he had been over at Chenook planting potatoes, or farming, or something like that.

Q. Previous to December last, had Mr. Brown taken up his boat with you for any length of time; or was it only by the day?

A. From a day to a week, except the time he worked for me.

CROSS-EXAMINATION.

Q. Did Mr. Brown work for you last July and August?

A. He did.

Q. Did he board with you after he quit work for you at that time?

A. He did.

Q. Has he had a room at your house the most of the time since that?

A. He has.

Q. Has he paid for his board any other way than by the week?

A. We called it by the week, counting twenty-one meals to the week.

EXAMINATION IN CHIEF.

Q. Are you acquainted with Charles West, or Charley, as they call him?

A. I am.

Q. State about what time he took up his residence with you?

A. Some time in April.

Q. Was he absent from Astoria, from that time until after the annual election, except during his trip to Puget's Sound?

A. He boarded with me a few days, and then shipped on the same schooner for H. D. Green & Co., and then went up the river, and from there to Puget's Sound.

Q. On his return from the Sound, did he still stop with you?

A. He did.

Q. Did he have his washing done in Astoria, from the time he first came here?

A. He did—he had it done by Mr Smith, and I paid for it myself.

CROSS-EXAMINED.

Q. How long did Charley stop with you?

A. I do not know, but believe it was two or three days.

Q. Where is he now?

A. On board the same schooner.

Q. Where is that schooner now trading?

A. I think she is running from Portland to the Sound.

EXAMINATION IN CHIEF.

Q. Where was the schooner owned when Charley first shipped in her from here?

A. In Astoria by H. D. Green & Co.

Q. As soon as the schooner completed her said voyage, did she return to Astoria and lay up?

A. She did.

Q. Did Charley return in her, and remain in Astoria until she resumed her voyage?

A. He did.

CONRAD BOELLING.

Adjourned until nine o'clock to-morrow morning.

TUESDAY, JULY 8TH.

B. F. SMITH SWORN ON THE PART OF COL. TAYLOR.

Q. Are you acquainted with Mr. Hiram Brown?

A. I am.

Q. Will you state all you know in relation to his residence in Washington Territory, the six months last preceding the June election?

A. I know nothing in relation to his residing in Washington Territory; I have heard him say that he resided there, and that he was going over home to get some things.

Q. Do you know any thing of his planting a crop there at Chenook?

A. He told me last evening that he planted some potatoes there last spring.

CROSS-EXAMINED.

Q. Mr. Smith, when did you come to Astoria to reside?

A. I came here last August.

Q Was not Mr. Brown living here at that time?

A. He was

EXAMINATION IN CHIEF.

Q. Did Mr. Brown continue to live here from that time until the last June election?

A I think he did not.

Q. Where did you understand that he did live?

A. At Chenook; I always considered his residence at Chenook.

CROSS-EXAMINED.

Q. Do you know of your own personal knowledge that he did not continue to reside at Astoria at that time?

A. I do not.

[Mr. Moffitt here objected to Col. Taylor examining witnesses to prove that illegal votes had been given for him (Moffitt) on the ground that he had no notice that such examination would be had, and that he should decline to cross-examine]

Q. Do you know William Harrington?

A. I do.

Q. Have you, within the six months preceding the last election, heard William Harrington say that he was a resident of Washington Territory?

A. Yes; I have heard him say so often.

Q. Did he tell you that he owns a claim in Washington Territory?

A. He did.

Q. Did he tell you that he pays his road and other taxes in Washington Territory?

A. Yes; I have heard him say often.

Q. Did you hear him say that he did not intend to live in Oregon, but intended to live in Washington Territory?

A. I never heard him use, directly, that language.

Q. Did you ever hear him use language similar to that?

A. I have, or to that purport.

Q. Is Mr Moffitt, who run for representative, present?

A. He is

F. A. SMITH.

LYMAN P. HALL SWORN.

Q. Are you acquainted with Mr. Hiram Brown?

A. I am.

Q. Did you pass over the river from Astoria to Chenook, within the six months preceding the annual election?

A. I did.

Q. Please state what he said at that time, and afterwards, regarding his residence at Chenook?

Q. I was going over there with Mr. Smith after a boat, and he (Mr Brown) came down to Green's store, and said he wished to go over home after some things, and went over and bucked with us.

Q. Did he say any thing about moving over to Astoria, or of coming to live on this side of the river?

A. He did not, that I recollect of

Q. Did he take you to his house, or show you any property of his at that place?

A. I was in a grocery there, which he claimed as his.

CROSS-EXAMINED.

Q. Where was Mr. Brown at the time you speak of?

A. He was working at Astoria at the time he went over with us. I do not know where he was living.

EXAMINED IN CHIEF.

Q. According to the best information you have, where was his residence at that time?

A. I always supposed it to be at Chenook at that time.

CROSS-EXAMINED

Q. Do you know of your own personal knowledge that Mr. Brown was not living here at that time?

A. I do not know that he was not living here; he has been living here off and on by spells.

Q. Do you intend that your evidence shall be against my arrangements, as you have just stated that I feared they were?

A. I do, as far as my knowledge extends regarding his residence in this Territory.

Q. Was not Mr. Brown living here at the time you speak of crossing the river with him?

A. He was living here in Astoria at that time, I believe. That was in January, 1856.

EXAMINATION IN CHIEF.

Q When you stated that he worked here off and on, did you not mean that he had his residence here.

A. No; I did not mean that he had his residence here; I believed it to be at Chenook. If I had been sworn two days before the election, I could not have sworn to any thing else.

Q. Was that the impression of the people of Astoria generally so far as you know?

A. It was, so far as my knowledge extends.

Q. Are you acquainted with William Harrington?

A. I am.

Q. Have you heard him say any thing about his residence in Washington Territory, the six months preceding the last annual election. If so, please state what he said?

A. I have heard him say that he claimed his residence in Washington Territory no longer than at noon to-day.

Q. Have you heard him say that he claimed his residence there during the six months preceding the annual election?

A. I have.

Q. Have you heard him say any thing about paying taxes there; if so, please state what he said?

A. I have heard him say that he paid his taxes there, both poll and road tax

Q. Have you heard him say that he was not a resident of Oregon, in this county?

A. I have heard him say that he was not a resident of Oregon Territory, and that he claimed his residence in Washington Territory.

Q. Is Mr. Moffitt, the contestant in this matter, present?

A. He is.

Q. Did you ever hear Mr. Harrington say why he has been remaining on this side of the river for some time back?

A. I have heard him say he was forced to stay here from fear of the Indians.

LYMAN P. HALL.

JAMES BELL SWORN ON THE PART OF MR. MOFFITT.

Q. Did you vote in Astoria at the last annual election?

A. I did.

Q Are you a citizen of the United States by birth?

A. I am not.

Q. Have you been naturalized according to the laws of the United States?

A. I have.

Q. How long have resided in Oregon?

A. Since the 23d of November last

JAMES BELL.

WM. F. STRIBLEY SWORN.

Q. Did you vote in Astoria at the last annual election?

A. I did.

Q. Are you a citizen of the United States by birth?

A. I am not.

Q. Have you declared your intention to become a citizen of the United States?

A. I have.

Q How long have you been a citizen of Oregon?

A. Eight months, the 15th of this month.

WM. T. STRIBLEY.

W. H. MILLER SWORN.

Q. Do you know of Hiram Brown having any washing done in Astoria; if so, tell where and for how long a time?

A. I have done his washing since some time in January until within the past two weeks.

Q. Please state how long you have known H. Brown's living in and about Astoria?

A. Since some time last summer.

CROSS-EXAMINED.

Q. Do you speak of last January?

A. I do.

Q. Did he have his washing continuously with you for the time spoken of?

A. He did.

Q. When he was working in Astoria, did you or did you not understand from public report that, that his residence was at Chenook?

A He told me that he was a going to get a lot, and build a house on it, if he could get it for a reasonable price; he was not a going to pay two prices.

Q. What did he say about leaving Chenook, and coming to live at Astoria at that time?

A. He said he was coming to work at his trade, and that he could make more at his trade here than there.

Q. Did he tell you any thing further about coming to Astoria?

A. I do not think he did.

Q. About what time did this conversation take place?

A. I think it was in December last, or November; in looking at my book I find it to be in January last.

EXAMINED IN CHIEF.

Q. You were speaking of a conversation held in January; was Mr. Brown living in Astoria at that time?

A. He was.

CROSS-EXAMINED.

Q. Did you understand Brown to say, that he would take up his residence here at that time?

Q. He told me that he did not think he should be at Chenook any longer.

W. H. MILLER.

WILLIAM HODGE SWORN.

Q. Have you or your wife done Hiram Brown's washing within the past twelve months?

A. My wife has.

Q. State as near as you can what months?

A. She did washing for him in December last.

Q. Do you think she washed for the space of one month?

A. She did not.

Q. Did she wash any for him previous to the first of December, 1855?

A. She did.

CROSS-EXAMINED.

Q. Was the washing of what you would consider to be that of a resident of the place?

A. I should think it was not.

Q. Did he have it done regularly every week?

A. He had one shirt there a fortnight; none other washed during that time.

F. W. HODGE.

TERRITORY OF OREGON, }
County of Clatsop, } ss.

I, Samuel T. McKean, Clerk of the District Court, within and for said county, do hereby certify, that the above depositions were taken before me, and reduced to writing by myself, James D. Fay, P. W. Gellet, Hiram Brown and James Brown, at the Court-house, in said county, on the 3d, 7th and 8th days of July, 1856, (in continuation of taking depositions under a notice given by J. W. Moffitt to James Taylor, and at which time J. W. Moffitt was present;) that the above-named witnesses, before examination, were each severally sworn to testify the truth, the whole truth, and nothing but the truth; and that the said depositions were carefully read to said witnesses, and then subscribed by them.

In witness whereof, I have hereunto set my hand, and affixed
[L. S.] the seal of the said court, at my office in said county, this 10th day of July, A. D. 1856.

SAM'L T. McKEAN, *Clerk.*

JOAB W. MOFFITT,
vs.
JAMES TAYLOR. } CONTESTED ELECTION.

Deposition of witnesses taken on the part of James Taylor to be used in evidence in the above named cause.

JAMES BROWN SWORN.

Q. Have you been sitting Justice of the Peace in this county ever since shortly after the last June election?

A. I have.

Q. Was there a suit commenced before you against William T. Harrington, for taxes in this county?

A. There was.

Q. What was the purport of his affidavit for a continuance in that suit?

A. To get witnesses to prove that he had paid that tax in Washington Territory.

CROSS-EXAMINED

Q. In the trial of the suit referred to by Mr. Taylor, did judgment go against Mr. Harrington?

A. It did.

Q. Was you, as acting Justice of the Peace, fully convinced that Mr Harrington was legally bound to pay the tax in this Territory?

A. I was.

RE-EXAMINED.

Q. Did Mr. Harrington appeal from that decision to the District Court?

A. He did.

JAMES BROWN.

F. A. SMITH SWORN.

Q. How long have you been a resident of this county?

A. About one year and three months.

Q. Do you still continue to reside in this county?

A. I do

F. A. SMITH.

JOHN BADOLETT SWORN.

Q. Are you acquainted with Alford Wood, referred to in Mr. McKean's affidavit?

A. I cannot say that I am acquainted with the man much. I know a man they call Wood, when I see him.

Q Had you any conversation with him respecting his residence in this county and Territory?

A. I had.

Q. Give us the purport of that conversation?

A. It was, that he did not claim this as his residence or home

Q. Where did he claim his residence?

A. I think he claimed California as his residence

CROSS-EXAMINED.

Q. Are you not satisfied from what evidence you have in the matter, that Mr. Wood, above referred to, had been residing as much as one or two years in Oregon Territory?

A. I could not say.

Q Do you believe that he (Mr. Wood) was living in Clatsop county, as much as fifteen days next preceding the last June election?

A. Well I thought at the time that he had. I learned since by Mr. Thompson, Surveyor, who came down the river and was acquainted with Mr. Wood, that it was the 14th day, I think, from the election, that he came down with him as far as Oak Point, counting the day of election.

JOHN BADOLET.

TERRITORY OF OREGON, } ss.
County of Clatsop. }

I, Sam'l T. McKean, Clerk of the District Court within and for the said county, do hereby certify that the above depositions were taken before me and reduced to writing by myself at my office in said county, on the 14th and 15th days of November, 1856, in pursuance of notice; that the above named witnesses were each severally sworn before examination, to testify the truth, the whole truth, and nothing but the truth; and that the said depositions were carefully read to the said witnesses, and then subscribed by them.

In witness whereof, I have hereunto set my hand and affixed [L. S.] the seal of the said court at Astoria, the first day of November, A. D. 1856.

SAM'L T. McKEAN, *Clerk.*

JOAB W. MOFFITT, vs. JAMES TAYLOR. } CONTESTED ELECTION.

Depositions taken to be read in evidence in the above case on the part of the contestant.

S. W. LOOK SWORN.

Q. How long had you resided in Oregon previous to the last June election?

A From the 17th day of November, 1855.

Q. Did you, at the time you name in the above answer, and do you now consider yourself a permanent resident of Oregon Territory?

A. Certainly, I so considered at that time and I do now.

S. W. LOOK.

EMMA EBERMAN SWORN.

Q. Are you acquainted with Daniel Smith, formerly of this Territory?

A. I am.

Q How long was he a resident of Oregon Territory previous to the last June election?

A. From July, 1855.

Q. Did he go from this Territory within the time you name in your last answer, and at the said June election, to get work, and if so, for what purpose?

A. He went from the Territory to get work for the purpose of getting money to pay my husband what he owed him.

Q. About what time did he return to Oregon after he left, as stated in your last answer?

A. About three weeks before Christmas day, 1855.

Q. Do you believe that Daniel Smith is a half breed Indian?

A. No, sir.

Q. Did your husband's brother marry a sister of Daniel Smith?

A. He did.

Q. Did your husband's brother consider Daniel Smith a Mexican, and not a half breed Indian?

A. He did.

CROSS-EXAMINED

Q Did Daniel Smith make your house his home whilst he resided in Oregon?

A. He did.

Q. About what time did Mr. Smith leave Oregon and go to Washington Territory to live?

A. He left some time in October, 1855.

Q. Do you know that Daniel Smith is not a half breed Indian?

A. I don't think he is; he does not pass for one; he is not considered so where he lives.

Q. Where does he live now?

A. I think he lives in California.

Q. When did he go to California?

A I do not recollect what time; I think about July last.

Q. Do you know from his own statements that he intended going directly from Washington to California, when he left that Territory?

A. I believe he talked some of going on the vessel that he came down the river on.

Q. Did he say that he had made arrangements for going on the vessel that he came down the river on?

A. I do not recollect whether he said that he had made any arrangements or not.

Q. What did he tell you about having made arrangements to work his passage down?

A. I do not recollect what he did tell me.

Q. Did Mr. Moffitt tell you what to testify to, and what not to testify to?

A. No, sir, he did not tell me anything about it.

Q. When Mr. Smith left in October last, was he not driven off by your husband?

A. No, sir, he went of his own accord.

Q. Did not Mr. Smith leave the Territory on account of a charge made by C. A. Eberman, your husband's brother, and his wife, a sister of said Smith, of you and Smith living in adultery?

A. I do not know that he left for that particular; for my husband never believed anything they said, and never drove him off.

Q. Was it at, or soon after these charges were made, that he left the Territory?

A. It was some time after, my husband was not here at the time.

EMMA EBERMAN.

WILLIAM HARRINGTON SWORN.

Q How long have you been a resident of Oregon Territory?

A. About a year and four months.

Q. Have you voted more than once in Oregon Territory within that time?

A. I think I have voted four times, in the time.

Q. Had you any misgivings about your right to vote at the last June election?

A. It was disputed, I think, at an election before the last, but I had no dispute in my own mind, but that I was a legal voter.

Q. Have you served on any of the juries in the District Court of Clatsop county within the time named.

A. I was on the grand jury last year, this year I was not.

CROSS-EXAMINED.

Q. Mr. Harrington have you a land claim in Washington Territory?

A. I have.

Q. Have you lived your four years on it, as required by the land law?

A. I think I have and considerable more, it is about six years since I took it.

Q. Do you expect to return to reside there?

A. If I live long enough, I expect to go back there; I do not expect to do it right away though.

Q. What caused you to leave there?

A. I was trying to look up a place where I could enjoy myself better.

Q. Did you not leave there for fear of the Indians?

A. No, sir, I was more afraid of the whites than I was of the Indians.

Q. Did you not kill an Indian or a squaw, and flee for fear of punishment?

A. No. There was an Indian died there, but as to my leaving the Territory for fear of punishment, I did not do it.

Q. Have you not repeatedly in the hearing of the citizens of Astoria, stated that you did not leave there on that account?

A. I do not recollect of any citizens asking of me, and I am sure that if any one should have asked me, I should have answered them the same as I now do, that I was more afraid of the whites than the Indians.

Q. Have you not stated to many of the citizens of Astoria, that your claim in Washington Territory is your residence, and that you intend returning there as soon as you can do it with safety?

A I do not recollect of stating any such thing. There is no more danger in going there than there is in sitting here, not to my knowledge.

Q. Do you not claim that as your residence, and refuse to pay toll and other taxes on account of having paid them there?

A. I do not; I am willing to pay my taxes here. If any one has any against me, if they will call on me, I am willing to pay them at any time.

Q. Have not taxes been demanded of you here?

A. No, sir; not in a legal form. I have had no legal demand made on me.

Q Have you paid any poll taxes here within the last two years?

A. I have not; there are taxes against me here, but I have not paid them yet.

Q. In the suit pending here against you for taxes, are you not depending on the plea of your residence in Washington Territory?

A. I am not.

Q. Who did you vote for representative at the last June election?

A. I think I voted for Mr. Moffitt.

Q. In the suit against you in this place for taxes, in asking for an adjournment, did you not swear that you wanted witnesses from Washington Territory to prove that you had paid your taxes there?

A. The time has been so long that I do not recollect; the docket will show.

Q. Was not that the purport of what you stated in that affidavit?

A. I stated to Brown that I had paid my road tax there; I do not know but I have stated it to others; perhaps I stated it at that time; I do not know.

RE-EXAMINATION

Q. Mr. Harrington, I wont you to state what you know of P. A. Smith's citizenship of this Territory?

A. Smith came there to Ross', where I was at work, some time in August a year ago. He stated if he could get work, he would work a spell; after that he had got to go back to the Bay; that he had been living there, and he must go over home, or something to that import. He had got some business to attend to there for himself, and some for another person. Just before the last election (he put it off till then) we went over to the work; he went on to the Bay to settle up his business, and did not get back here until a few weeks before the election. He said he was going to stop where he could get work; he went up to Portland,

as I supposed, to get work, and returned and went to work for Mr. Ross, and has stopped there ever since.

WILLIAM T. HARRINGTON.

TERRITORY OF OREGON, } ss.
County of Clatsop.

I, Sam'l T. McKean, Clerk of the District Court within and for the said county, do hereby certify that the above depositions were taken before me and reduced to writing by myself at my office in said county, on the fourteenth day of November, 1856, in pursuance of notice; that the above named witnesses were each severally sworn before examination, to testify the truth, the whole truth, and nothing but the truth; and that the said depositions were carefully read to the said witnesses, and then subscribed by them.

In witness whereof, I have hereunto set my hand and affixed [L.S.] the seal of the said court at Astoria, the tenth day of November, A. D. 1856.

SAM'L T. McKEAN, *Clerk.*

JOAB W. MOFFITT, *vs.* JAMES TAYLOR. } CONTESTED ELECTION.

Depositions taken to be used in evidence in the above case on the part of the contestant.

S. T. MCKEAN SWORN.

Q. Was you one of the Board of Canvassers at the last June election, and clerk of the same election?

A. I was.

Q. What majority had James Taylor over J. W. Moffitt at the last June election for Representative to the Oregon Legislature?

A. He had a majority of two.

Q. For whom did Charles Hendrickson, Charles West and William Latty, who are referred to in the depositions taken before Samuel T. McKean, Clerk of the District Court of Clatsop county,) vote?

A. Charles Hendrickson, whose name was entered in the poll books as Charles Henderson, and Charles West, and William Latty, voted for James Taylor.

Q. Was Hiram Brown sworn before the judges of the election before he put in his vote at the last June election?

A. According to the best of my recollection he was.

CROSS-EXAMINED.

Q. For whom did Hiram Brown, William T. Harrington, Daniel Smith, Alfred Wood and Thomas Hart vote for for Representative of the Legislative Assembly of Oregon at the last June election?

A. They all voted for J. W. Moffitt.

S. T. McKEAN.

TERRITORY OF OREGON, } ss.
County of Clatsop. }

I, James Brown, Justice of the Peace in and for said county, do hereby certify, that the above deposition was taken before me, and reduced to writing by myself, at the Auditor's Office of said county, on the 4th day November, 1856, in pursuance of notice. That the above named witness was, before examination, duly sworn to testify the truth, the whole truth, and nothing but the truth; and the said deposition was carefully read to the said witness, and then subscribed by himself.

In witness whereof, I have hereunto set my hand and seal, this 20th of November, 1856

JAMES BROWN, *Justice of the Peace.*

I, A. S. Abernethy, being first duly sworn, do hereby state that Daniel Smith, now of the county of Clatsop, in Oregon Territory, came to my mill to reside, and worked for me on the 16th day of October, 1855—my mill and residence being at Oak Point, in Washington Territory—continuously, from the 16th day of October, 1855, to the 26th day of November, 1850, at which time he left, and lived with a Mr. Boricho, in Columbia county, Oregon. On the 30th day of November, 1855, he returned to my mill in Washington Territory, and commenced work again. On the first day of December, 1855, he engaged to work on the brig Detroit, at that time loading with lumber at my mill in Washington Territory—having made an agreement with the captain of said brig Detroit, to assist in loading the vessel, and also do any work he could do on said vessel, as the price for a passage for himself from my mill to California. He resided on the said brig Detroit all the time she was ying at Oak Point mill, in Washington Territory, and left on her on

his way to California, on the 7th day of December, 1855, All the dates above are taken from the books on which the account of time is kept at Oak Point mill.

ALEX. S. ABERNETHY.

TERRITORY OF OREGON,
County of Columbia } ss.

I, Eben, Weld, justice of the peace in and for said county, do hereby certify that the above or forgoing deposition was taken before me and redneed to writing by witness, at Oak Point, in said county, on the 26th day of September, A. D. 1856, at 4 o'clock, P. M., in pursuance of notice that the above named witness, before examination, was sworn to testify to the truth, the whole truth, and nothing but the truth, and that the said deposition was carefully read by said witness and there subscribed by him.

Dated at Oak Point, the 26th day of Sept., A. D. 1856.

EBEN WELD, *J. P.*

TO JAMES TAYLOR, *of Clatsop County, O. T.:*

Sir: I hereby notify you that I intend to contest your right to a seat as member elect of the House of Representatives of the Legislative Assembly of the Territory of Oregon, which you claim to be entitled to. You are further notified that depositions will be taken in the above case on the 1st and 2d days of July, 1857, at the office of the District Court of said county.

J. W. MOFFITT.

WRITTEN STATEMENT PRESENTED TO THE COMMITTEE BY JAMES TAYLOR.

To the Honorable gentlemen of the Committee on Contested Elections:

In the evidence before you, you will find, in the first place, that he (Mr. Moffit) failed to make out any illegal votes given for me, (the half breed) which you will see from the evidence of S. H. Smith, F. Beerman, and others, that he is not considered a half breed.

Captain Hendrickson's evidence, clearly shows that he was a resident of this Territory for more than one year, and that he resided in Clatsop county since some time in April previous to the election. His evidence also proves the same thing with respect to Charles West. Conrad Boeling's testimony corroborates the same, and shows they had their

board and washing in Astoria for that length of time. Other witness concurs in the above.

With regard to the votes of Hiram Brown, Daniel Smith, and Wood, and Harrington, you will see that, according to evidence, that they had not resided in the Territory and county the requisite length of time to give them the right to vote.

By McClure, Smith, Parker, Skinner, Boyd, and others, I have proven that he resided in Washington Territory until within a few weeks before the election, less than two months before the first of June. That Col. McClure and others visited him at his residence in Chinook, in Washington Territory, within that time before the election, and that he would move to Astoria on certain contingencies.

W. T. Harrington is proven to be stopping in Oregon in fear of the law of his (Washington) Territory. That he has his land claim and residence in Washington Territory That he fled from justice on the charge of murdering an Indian. That he intended returning to Washington Territory soon.

Daniel Smith is proven to have resided in Washington Territory from October 1855, and shipped directly from there to California, his former home. The bark Detroit was wrecked, and he left at Astoria some time in December, making less than six months residence in Oregon. The proof of his being a half breed is about as clear as the Latty case Wood, it is proven, arrived in Clatsop on the 14th day before the election; therefore, lacked one day of filling the law on that point.

The foregoing is about the amount of proofs in the matter.

J. TAYLOR.

WRITTEN STATEMENT BY J W. MOFFITT

To the Honorable the House of Representatives:

GENTLEMEN: In the case of contest for the seat from Clatsop, as a member of said House, I would call your attention to the following facts, adduced by some of the depositions now before you:

1st. By the testimony of Robert Shortes, Esq, I have proven, I think, as clearly as any case of the same kind can be proven, that Wm. Latty is a half breed Indian; that to the best of his judgment his father was a white man, and his mother a full bood Indian.

2d. The deposition of Charles Hendrixon shows clearly that he holds a land claim in Tillamook county, by his residence thereon at the time of the last June election, and that he was employed as master of the

schooner "Morning Star," trading between the ports of Portland, Oregon Territory, and Olympia, Washington Territory; and that he was not in Clatsop county any part of the fifteen days next preceding the election, except from the 29th or 30th of May, 1855, leaving not more than three or four days to the day of election.

And also, that the case of Charles West was precisely (except in the matter of a claim) like his own, he (C. West) being employed at the same time on board the aforesaid "Morning Star."

And, also, I have proven by the testimony of Thomas Hart and N. A. Eberman, Esqs., that at the time of election, and after, Charles West owned a claim, and sold that claim after the election.

All the testimony in this contest being before you, I submit the matter to your investigation and decision.

J. W. MOFFTT.

The following are the names of the several persons voting, whose right to vote is questioned by either the sitting member or the contestant, viz:

Chares Hendrickson, Charles West, Wm. Latty, } Voted for Taylor.

W. T. Harrington, Hiram Brown, Alfred Wood, Daniel Smith, Thomas Hart, } Voted for Moffitt.

Taylor's majority was 2.

REPORT

Of the Select Committee to whom was referred sundry papers relating to the Territorial Penitentiary.

The select committee to whom was referred sundry papers relating to the Territorial Penitentiary, have discharged the duty assigned to them, and beg leave to submit the following report:

Having carefully reviewed the report of the Penitentiary Commissioners, also, the report of the joint committee of the two Houses, appointed to examine the Penitentiary buildings, and other papers submitted to us bearing upon that subject, your committee cannot withhold the expression of their astonishment at the conduct of the first board of Penitentiary Commissioners in locating the Penitentiary buildings upon the ground by them selected. In selecting ground for such a purpose in itself wholly unfit, and the title and limits of which were not clearly ascertained, is, in the estimation of your committee, not only unaccountable, but in the highest degree censurable.

Your committee approve, and would commend to the favorable consideration of the House, the following recommendations of both the Penitentiary Commissioners and the joint visiting committee above alluded to, viz:

1. That the sum of six hundred dollars ($600) to defray the expenses of the completion of certain much needed, if not indispensable, apartments in the Penitentiary, be appropriated.

2. That the Commissioners of the Penitentiary be authorized to sell certain iron doors belonging to the Penitentiary, and now ascertained to be useless for any purpose connected with the Penitentiary buildings.

3. That the further sum of three hundred dollars ($300) be appropriated to meet the expenses of walling prison well, purchasing pump for the same, and paying for three stoves already purchased by the Commissioners.

4. That the commissioners be authorized to employ the labor of the convicts upon the grounds surrounding and belonging to the Penitentiary.

5. That the commissioners be authorized to cause the survey of the Penitentiary grounds; and

6. That said commissioners be authorized to convert the old building alluded to in their report into shops, in which the convicts may, at such time as may be found practicable, pursue mechanical labor.

Your committee would recommend that the Penitentiary Commissioners be authorized to institute suit on the bond executed by William M. King, a contractor, for the recovery of damages consequent upon the non-execution of work according to contract.

Your committee, after a full and careful examination of the memorials of Messrs. Jacobs, Frush, Wm. M. King, and Roberts & Shartle, are satisfied that the Legislative Assembly are not in possession of the requisite information upon the subject matter of said memorials, to enable it to express any reliable opinion of the merits or demerits of the grievances complained of, much less to justify any direct act of relief.

Your committee would recommend that all contractors, who may feel themselves aggrieved on account of any alleged failure, on the part of the penitentiary commissioners, to comply with their contracts, be left to institute suit against said commissioners on their contracts; or, that a disinterested commissioner be appointed by the Legislature to hear allegations, proofs, &c., and before whom depositions may be taken, which allegations, proofs, depositions, &c., may be reported to some future Legislative Assembly.

Your committee would recommend that House bill numbered seven referred to them, be indefinitely postponed.

In conclusion, your committee, though they have not all the facts and figures before them, pertaining to the erection of the penitentiary from its commencement until the present time, yet, contrasting the progress made with the amount of money expended, their minds are impressed with the conviction that want of wisdom, skill, and prudence, are manifest.

So far as your committee are able to determine from the evidence before them, the report of the commissioners of the penitentiary referred to them, is full and satisfactory. Your committee perceive no fact or reasons to justify the withholding from said commissioners the meed of praise for integrity and efficiency.

Inasmuch as the fund for the erection of penitentiary buildings,

has been exhausted, and inasmuch as the law provided for the payment of the salaries of commissioners out of the fund appropriated for the erection of the penitentiary; and their being neither funds at this time, for either completion of the penitentiary buildings or the compensation of commissioners, your committee would recommend that the board of penitentiary commissioners be abolished, and that a law be enacted which shall provide for the election and compensation and define the duties of a warden or superintendent of the penitentiary.

All of which is respectfully submitted.

DELAZON SMITH, *Chairman.*

PAPERS RELATING TO THE PENITENTIARY.

Letter of S. J. McCormick, Secretary of the Board of Penitentiary Commissioners.

OFFICE OF THE BOARD OF PENITENTIARY COMMISSIONERS,
Portland, January 5th, 1857.

To the Honorable the House of Representatives
of the Territory of Oregon:

GENTLEMEN: In reply to your resolution as specified in your letter of the 8th ultimo, I am directed by the board of penitentiary commissioners to inform you that we have applied to the city council for information as to whether there existed any map of the city of Portland, recognized by them, but up to the present date we have received no answer thereto; and, to the best of our knowledge, there is no map of the city recognized by that body.

For any further information relative to your resolution, we would respectfully refer you to our report of the 8th ultimo.

By order of the board.

S. J. McCORMICK,
Sec'y of Board.

Memorial of Wm. H. Frush.

To the Honorable Legislative Assembly
of the Territory of Oregon:

Your memorialist would respectfully represent, that on the 7th day of September, 1853, he made a contract with the then commissioners for

the erecting of the penitentiary at Portland, for all the iron work necessary to complete said building according to the plans and specifications, and gave bonds to the amount of ten thousand dollars for the faithful performance on his part; that he has furnished a large quantity of iron from time to time, as he was required to do, all of which he has been paid for, except 896 pounds of bolts for the support of the roof and flues for chimneys, at 20 cents per pound, making $179 20, which work has been received, and no draft or money for. And furthermore, to wit: On the 18th day of April, 1856, your memorialist entered into and signed a contract with Joseph Sloan, W. P. Dolen, S. J. McCormick, commissioners for erecting said Penitentiary, for the completion of all the stone work in said north wing of said building, and gave further bonds to the amount of ten thousand dollars for the faithful performance of said work—thus bound in the sum of twenty thousand dollars. That, on the 16th day of May, 1856, your memorialist was ordered by said board to proceed immediately with the stone work, which he did accordingly at the time said order was given; and during the progress of said work, he often and repeatedly conversed with said commissioners as to the amount of work he would be required to do during the then present season. They informed him that he would be required to do from $9,000 to $12,000 worth of work, and induced him by their statements and urgency to make preparation to do that amount of work. But, after making such preparation, by the purchase of tools, quarrying and cutting stone, lease of quarry, purchasing of cement, wagons, and teams, said commissioners did, on the 17th day of June, 1856, order your memorialist to suspend operations, leaving him with the stone, tools, quarry, &c., amounting in cost to him of $1,500, most of which is entirely useless to him. All of which he would and could have saved, had he not been so induced by said commissioners. And by reference to their report of December 8th, 1856, to your Honorable body, they show that they have overdrawn the appropriation. In such case, your memorialist conceives he has no remedy for money due him, as well as damages complained of, save by act of the Legislative Assembly; therefore, he prays relief, and will ever pray, &c.

WM. H. FRUSH.

January 12th, 1857.

Memorial of H. S. Jacobs & Co.

To the Honorable the Legislative Assembly of the Territory of Oregon:

The unersigned, your memorialists, would respectfully represent to your Honorable Body, that your memorialists became the contractors for the stone work for building the penitentiary, as per article of agreement, dated September 7th, 1853, at the first letting of said work, Wm. M. King being the acting commissioner, and having charge of the letting of said work. The work was let to us, we being the lowest bidders for the work, and our prices were governed by the character of the work, as stated to us by the acting commissioner, Wm M. King, which was to be, as we were informed by the said acting commissioner, *rough work*—merely striking a straight line to leave as a guide to lay the stone by—and with that understanding we put in our bid, which was $23 per perch of 16½ cubic feet; and we being the lowest bidders, as above, became the contractors, and proceeded as by directions of the acting commissioner, Wm. M. King, to get and prepare stone, and build the foundation; and after having a considerable portion of the foundation laid down, we were ordered to procure and prepare stone for the walls, which we did by examining a certain sand stone, located on a slough on the lower Columbia river, in Washington Territory, and brought up a specimen of the stone; and the commissioner called a meeting and accepted the stone; and W. S. Ladd, then the acting commissioner, proceeded at once to the quarry, and ordered Messrs. Roberts & Shartle (with whom we made a contract to quarry out stone and deliver on the bank of the slough,) to proceed and open the quarry sufficient to get all the stone for the penitentiary. And in consequence of the above order we have paid Messrs. Roberts & Shartle, for opening and getting out stone, $986 75; also paid Steamer Eagle, for towage, and Charles E. Fox, for delivering stone on the bank of Willamette river, opposite penitentiary grounds, &c., $216 and damages. And after being to all the above expenses, and J. S. Dickenson, becoming the acting commissioner, who condemned the stone, and said they should not be put into the walls of the penitentiary, therefore, we were again obliged to seek for other stone, and found good stone, of a first quality, and of which the penitentiary is built, so far as it is built. We then were ordered again to procure the last named stone by the acting commissioner, J. S. Dickenson, which we did, and commenced laying the stone in the cell walls; and having laid several perch

as we understood our contract to be, (through Wm. M. King, the acting commissioner at the time of letting the first time,) J. S. Dickenson, the then acting commissioner, came upon the ground and said that we must change the work, and do it much better than we were then doing it; and we remarked that that was the way we understood it, and if he changed the work from the manner we were doing it to the kind of work he wanted done; that we must have extra pay; and he said, "Go on and do it as we order you, and we will pay you for it;" but no price stated. Mr. Dickenson further stated that "We are not building this for ourselves, but for future generations, and we want it done well," and caused us to dress the stone in the wall that we had then laid; and after we had laid some 126 3-4 perch of dressed stone in the cell walls, and not receiving an estimate for several months, (which was in violation of the original contract,) the commissioners refusing to give us pay, we were in consequence necessarily compelled to give up the contract, by the commissioners agreeing to pay us for the work we had done, extra pay for extra work, and all the material on hand, damages, &c., which they have not done—consequently, your memorialsts respectfully claim pay for the following, viz:

Extra pay for 126 3-4 perch of stone, for extra dressing, at $8 per perch.

Pay for about 23 perch dressed stone, as above, on the ground, at $20 per perch.

Extra pay on 23 perch do. at $8.

Pay for 25 perch, 15 feet, 4 inches, undressed stone, at $20.

Pay for 6 perch, 12 feet, 11 inches, dressed sand stone, at $28.

Pay for 22 perch, 8 feet, 6 inches, undressed sand stone, at $20.

Damages for labor and money expended by Messrs Roberts & Shartle in opening stone quarry, &c, on slough in Washington Territory, as sub-contractors, $2,560 20.

Your memorialists have at repeated times during the interval of from 10th April, 1855, to July, 1856, asked the penitentiary commissioners to pay them for the above labor performed, and money expended, and they have not complied; and at the last request which was in July last, the acting commissioner, Mr. Sloan, said he would not pay it.

Therefore, in remedy prays relief,

H. S. JACOBS & CO.

Articles of Agreement made, entered into and concluded, this third day of May, in the year eighteen hundred and fifty-five, at the City of Portland, in the Territory of Oregon, by and between Josiah S. Dickinson, David H. Belknap, and Douglas Fitch, the Board of Commissioners for the construction of the Territorial Penitentiary, at said Portland, of the one part, and William M. King of the other part, witnesseth:

The said William M. King, for and in consideration of the covenants and agreements on the part of said above named Board of Commissioners, as hereinafter stated, does for himself, his executors, administrators and assigns, hereby promise, covenant and agree, to and with the said Dickinson, Belknap and Fitch, Commissioners as aforesaid, and their successors in office, that he will well and truly, and to the satisfaction and acceptance of the said Josiah S Dickinson, President of said Board of Commissioners, furnish and supply, all and singular the material, either brick or stone, as may be determined by said Board of Commissioners, for the construction of the outer wall of said Penitentiary building; and the said wall will erect, build and complete, or so much thereof as may be required by said Board of Commissioners, according to the plans and specifications in the office of said Board of Commissioners, and under the direction and supervision of said President Commissioner, for and at this fixed sum, to wit: If said wall is constructed of stone, for the sum of twenty dollars per perch, (a perch of sixteen and one half cubic feet;) and if of brick, for the sum of sixteen dollars per thousand, and that he will well and truly furnish and supply all the stone, and other necessary material (iron excepted) for the construction and completion of the cells of north wing of said Penitentiary building, according to the plans and specifications for said north wing, on file in the office of said Board of Commissioners, and under the direction and superintendence of said President Commissioner, and to his acceptance and satisfaction; and the cells of said north wing will well and truly build, construct and finish as aforesaid, and for the sum of twenty-five dollars per perch; said work, all and singular aforementioned, to be measured after its erection, and the spaces to be therefrom deducted. Said work to be completed on or before the first day of October, A. D. 1855. The material to be measured by the actual quantity used in said work.

The said Josiah S. Dickinson, David H. Belknap, and Douglas Fitch, Commissioners as aforesaid, for and in consideration of the promises, covenants and agreements of the said William M. King, hereinbefore stated, for themselves as said Board of Commissioners and their succes-

sors in office, hereby promise, covenant and agree to and with said King, to pay or cause to be paid to him for said stone, and the building of said outer wall, twenty dollars per perch of sixteen and one half cubic feet; or if built of brick, sixteen dollars per thousand for said brick, and the work of completing said outer wall therewith; and for the stone for the cells and the work of erecting and completing the same, twenty-five dollars per perch, payments to be made monthly as said work progresses. Said Commissioners reserve to themselves the right at any and at all times to make such alterations in the plans and specifications for the above mentioned work, and wall, and said north wing of said Penitentiary building, as they may deem expedient and proper; said Commissioners also reserve to themselves the right to declare this contract at an end, and to determine the same absolutely, whenever said Board of Commissioners shall become dissatisfied with said work, or any part thereof, or with its slow progress, or the quality and character of the material or any part thereof, used or furnished for said work or any part thereof.

In testimony whereof, the said parties have hereunto set their hands and private seals, the day and year first above written.

J. S. DICKINSON, [L. S.]
D. H. BELKNAP, [L. S.]
Commissioners of the Territorial Penitentiary.
WM. M. KING, [L. S.]

Executed in presence of,
WM. H. FITCH,
T. E. NORTHROP.

COMMUNICATION OF AUDITOR.

TERRITORIAL AUDITOR'S OFFICE,
Salem, Jan. 17th, 1857.

To the Honorable Legislative Assembly
of the Territory of Oregon:

In compliance with a resolution passed the House of Representatives this morning, calling on me for information as to the per cent. levied in the several counties of the Terrritory for Territorial purposes in the year 1855, I beg leave to submit the following statement:

The counties of Benton, Yamhill, Washington, Umpqua, Marion, Coos, Clatsop, and Columbia, as appears from the assessment rolls and receipts of revenue from said counties for the year 1855, levied one and a half mills on the dollar of their taxable property, for Territorial purposes for said year.

It appears from the assessment rolls of Multnomah, Douglas and Tillamook counties, (as stated in my annual report) that said counties levied but one mill on the dollar for Territorial purposes for said year.

I am unable to determine what per cent. has been levied in the counties of Polk, Linn, Lane and Clackamas for said year.

There has never been filed in this office a copy of the assesment roll of Wasco county for 1855.

Some counties have only transmitted to this office a certified statement of the amount of their taxable property instead of a copy of their assessment roll. To the Auditors of such counties I have recommended a compliance with the statute in future.

Probably not more than about one half the assessment rolls on file in this office show the per cent. levied for Territorial purposes; I have, however, charged each county with the amount of revenue required to be levied by law.

Respectfully submitted.

B. F. BONHAM,
Territorial Auditor.

COMMUNICATION OF AUDITOR.

TERRITORIAL AUDITOR'S OFFICE,
Salem, Jan. 22d, 1857.

To the Honorable Legislative Assembly
of the Territory of Oregon:

In compliance with section 8, of chapter 3d, of "An act to regulate the Treasury Department," I herewith report a claim of A A Durham, for the sum of one hundred and nine dollars and thirty-five cents, ($109 35) for 8412 feet of lumber furnished to Penitentiary Commissioners, which was used in building a fence around the said Penitentiary.

Said claim is duly approved by the Board of Penitentiary Commissioners, and no doubt is just; but by reference to "an act to amend an act making provision for the construction of a Territorial Penitentiary," which may be found on page 577 of Revised Statutes, it will be seen that the Territory is only liable for the salaries of the keeper and assistant keeper, and the expenses incurred in the *maintenance* of the convicts, which, in my judgment, cannot be construed to embrace claims of this class. I am informed by the keeper of the Penitentiary, that there are a number of claims similar to the one herein mentioned, which have accrued in the erection of temporary structures, and for appurtenances in and about the main building, which the Treasurer of the Penitentiary fund has declined to pay; and which I do not feel warranted in auditing, without further legislative action in the premises.

Very respectfully submitted.

B. F. BONHAM,
Territorial Auditor.

LIBRARIAN'S REPORT.

To the Legislative Assembly
of the Territory of Oregon:

I have the honor to submit, herewith, to the Legislative Assembly the report required by law, relating to the condition of the Territorial Library, with a catalogue of the same.

Nearly all the volumes now in my charge have been received during the present year, comprising most of the public documents, such as statutes, journals, reports, &c., published by order of the General Government, or by that of the several States of the Union.

I am informed by His Excellency, Governor Curry, that the ($500) five hundred dollars appropriated by Congress for the benefit of this Library, was expended by him, while in the States, for the purchase of such books, as in view of the present condition of the Library, were, deemed most valuable and necessary to the public service of the Territory.

No expenses have been incurred during the year in behalf of the Library, either for rent or otherwise.

But as the books purchased by His Excellency Gov. Curry will soon arrive, it is proposed to rent a room, convenient and accessible to the members of the Legislative Assembly and Judges of the Supreme Court, and to fit the same suitably for the accommodation of the Library. Should the Legislative Assembly deem it necessary, it is hoped that instructions on this point will be given to the Librarian at an early day.

The following is a Catalogue of the Books now on hand.

A.

	No. Vols.
Acts of Louisiana (duplicates) for 1855 and 1856,	4
Acts of Washington Territory—second session,	1
Acts and Resolves of Maine—1856—(duplicates)	4
Acts and Resolves of Massachusetts—1856,	2
American Architect,	1
Architecture, Building and Carpentry,	1
Acts, Public of Connecticut, 1856,	1
Astronomical Expedition, United States Naval,	2
Acts of General Assembly of Virginia—1856,	1
Agricultural Society of Connecticut, Transactions of,	1
Army, Book of,	1

C.

Chemistry, Brande's Manual,	2
Coast Survey, United States, 1853-'4, with maps,	4
Cyclopedia Renny, 92d volume,	1
Colonial Records of Rhode Island,	1
Code, Revised of North Carolina, (3 copies)	3

G.

Geological Survey of Wisconsin, Iowa and Minnesota, (with maps)	2
Geological Survey of New Jersey, 2d annual report,	1

H.

Homer, Pope's Translations of,	2
Howatt's Journal, vol. 2,	1

I.

Industry of Massachusetts—1855,	3
Indians, History, condition, and prospects of, by Schoolcraft,	2

J.

Journal of California Senate—1855,	1
Journal, Appendix to, (duplicate)	2
Journal of, California Assembly—1856,	1
Journal, Appendix to, (triplicate)	3
Journal of House of Representatives of Georgia—1855-'56,	1
Journal of Senate of Georgia—1855-'56,	1
Journal of House of Representatives of Connecticut—1856,	1

	No. Vols.
Journal of Senate of Florida—1854,	1
Journal of House of Representatives of Florida—1854,	1
Journal of Congress—1856,	1
Journal House of Representatives and Senate of New Hampshire—1855, (duplicate,)	2
Journal of House of Representatives of New Mexico—1851,	2
Journal of first session of Legislature of Nebraska—1855,	1
Journal of Assembly of California,	3
Appendix to the same,	3
Journal of Council of Washington Territory,	1
Journal of House of Representatives of Washington Territory,	1
Journal of Council of Legislative Assembly of Oregon,	10
Journal of House of Representatives of Legislative Assembly of Oregon,	10

L.

Laws, sessional, of Oregon—1855-'56,	10
Laws of New Hampshire,	1
Laws of Georgia,	1
Laws of New Jersey, Nixon's Digest—1855,	1
Laws of Illinois—1855,	1
Laws of Illinois, Freeman's Digest, vols. 1 and 2,	2
Laws of New Hamsphire—1855,	1
Laws of California,	3

M.

Message and Documents, vols. 1, 2 and 3,	3
Map of Rhode Island, (bound and cased)	1

R.

Reports of Alabama, vol. 27,	1
Reports of Ohio, vol. 3,	1
Reports of Common Schools of Connecticut—1856,	1
Reports of Commissioner on Idiocy, (Connecticut,)	1
Reports Annual, of Louisiana, vol. 10, 1853,	1
Reports of Supreme Court, Cushing's, vol. 9,	2
Reports of Georgia, vols. 16 and 17,	2
Reports of Supreme Court, Gray's, (duplicate)	2
Reports of Common Schools, Pennsylvania,	2
Reports of Public Schools, Rhode Island,	1
Reports of Rhode Island, vol. 3,	1

	No. Vols.
Reports of Common and Public Schools, Rhode Island,	1
Reports of Illinois, vol. 16,	1
Reports of Arkansas,	1
Reports of New Hampshire, Foster's 7th and 9th vols.,	4
Reports of Texas, vol. 13,	1
Reports of Common Schools and School Architecture of Pennsylvania, 1855,	1
Reports of Regents of the University of New York, vol. 69,	1
Reports of Tennessee, Sneed's, vol. 2,	1
Reports of Public Instruction, California,	1
Reports of Law, of California, 1854,	1
Reports of Law, of Maine, vols. 37 and 38,	2
Reports Second Annual of Common Schools, California,	2
Reports cases determined in Supreme Court of N. York, vol. 10,	1
S.	
Statutes of California—1856,	2
Statutes, Revised of, Louisiana—1856,	2
Statutes of Oregon,	10
Statutes of Washington Territory,	1

The following newspapers have been sent to the Library during the year and duly filed: The Pacific Christian Advocate; Democratic Standard; Oregon Statesman, and Oregon Weekly Times.

Respectfully submitted.

F. S. HOYT,

Territorial Librarian.

SALEM, *Dec. 10th*, 1856.

REPORT

Of the Judiciary Committee relative to Attorneys testifying in certain cases.

The Committee on the Judiciary, to whom was referred the petition praying the passage of a law to prevent attorneys and others from testifying in certain cases, have had the same under consideration, and beg leave to submit the following

REPORT:

Your Committee deem it unnecessary to assign the reasons, in *extenso*, for the conclusions at which they have arrived. Suffice it to say that, in their judgment, whilst there may be abuses under the law as it now exists,—the rights of parties and the ends of justice will be better promoted by the continuance of the law, than by its amendment as prayed for by the petitioners.

Your Committee, therefore, would recommend that the prayer of the petition be not granted.

All of which is respectfully submitted.

DELAZON SMITH,
Chairman Judiciary Committee.

REPORT

Of the Judiciary Committee on the petition of Clarissa Mull, praying for a divorce.

The Committee on the Judiciary, to whom was referred the petition of Clarissa Mull, of the county of Washington, in this Territory, praying the passage of an act by the Legislative Assembly, divorcing her from her assumed husband Noah Mull, now or late of the said county of Washington, have had the same under consideration, and beg leave to submit the following

REPORT:

The petitioner sets forth in her petition that in the month of October, 1853, she intermarried with one Noah Mull, of the county of Washington, who had then recently emigrated from the State of Missouri to this Territory; that the year following she learned that the said Mull had a wife living in the aforesaid State of Missouri; and that having obtained a sufficient affidavit that the said Mull has a wife living as above, she separated from the said Noah Mull, since which time she, said petitioner, has resided, and now resides with her father, in the aforesaid county of Washington.

Your Committee have carefully examined the papers accompanying the petition above referred to, transcript of record evidence, certificates, statements, &c., and they have been unanimously led to the conclusion, that the fact is satisfactorily established, that the aforesaid Noah Mull had, at the date of his marriage with the petitioner, and still has, a wife living in the State of Missouri, as alleged in the petition referred to your committee.

Without expressing, in this report, any opinion as to the propriety or impropriety, expediency or inexpediency, of the granting divorces from the bonds of matrimony by the direct act of the Legislative Assembly your committee do not hesitate to declare the alleged marriage between, the petitioner and the aforesaid Noah Mull, absolutely void.

The first section, chapter 11, of the act entitled "An act relating to marriage and divorce," which passed the Legislative Assembly January 17th, 1854, reads as follows, to wit:

"All marriages which are prohibited by law, on account of consanguinity between the parties, or on account of either of them having a former husband or wife, then living, shall, if solemnized within this Territory, be absolutely void, without any decree of divorce, or other legal proceedings."

It will readily be perceived by the foregoing provision of law, that neither a decree of the courts, other legal proceedings, or any special act of legislation, is necessary in the case under consideration, in order to effect a divoree of the petitioner from the bonds of matrimony with the aforesaid Mull, for, no such bonds now exist in or by virtue of the force of law, but on the contrary, such marriage was absolutely null and void, at and from the moment of its "solemnization within this Territory," the ceremony idle, and the act upon the part of the aforesaid Mull highly criminal.

Notwithstanding the foregoing expression of opinion, in order to remove all doubt, and to afford the petitioner the relief which she seeks, in her application to the Legislature, your committee would recommend the adoption of the following joint resolution, viz:

Be it resolved by the Legislative Assembly of the Territory of Oregon, That in the judgment of the said Legislative Assembly, the marriage solemnized between Noah Mull and Clarissa Mull, in the month of October, in the year 1853, in the county of Washington, in this Territory, was and is wholly and absolutely null and void, and without virtue, force or effect.

All of which is respectfully submitted.

DELAZON SMITH,
Chairman Committee.
A. E. ROGERS,
A. L. LOVEJOY.

COMMUNICATIONS

From the Governor, Quartermaster General, and Commissary General, in answer to resolutions passed by the House of Representatives.

EXECUTIVE OFFICE,
SALEM, *December* 15*th*, 1856.

To the House of Representatives:

In answer to the resolutions of the House of Representatives relative to desired information from the military departments of the Territory, I have the honor to make reference to my communication to the Assembly of the 11th inst. I take this occasion to assure the House that so soon as the chiefs of the several departments shall have reported to me, which they are directed to do with the utmost despatch, I shall cause the substance and character of those reports to be made known to the Assembly without delay.

GEO. L. CURRY.

QUARTERMASTER GENERAL'S OFFICE,
SALEM, *December* 8*th*, 1856.

To the House of Representatives of Oregon Territory:

The resolution of your Honorable Body, requiring me to furnish the Legislative Assembly, now in session, at the earliest possible moment, with a report in detail of the condition of the Quartermaster Department, is received.

All my official reports, in accordance with military usage, are made to His Excellency the Governor of the Territory, the Commander-in-chief of the militia, and in compliance with his orders, the officers of my department are now engaged in preparing full and complete reports of all

the transactions of the department, from the commencement of the volunteer service in October, 1855. The information you require can only be obtained from the final returns of all the quartermasters who have been engaged in the volunteer service, and those returns may not all be concluded prior to the close of the present session of the Legislative Assembly; and when completed, and approved by the Commander-in-chief, will, as the order of the Governor informs me, immediately be placed before the commissioners appointed by the Secretary of War to audit and adjust the expenses of the volunteer service in the Territories of Oregon and Washington during 1855 and 1856.

Respectfully submitted.

JOSEPH W. DREW,
Quartermaster General O. T.

COMMISSARY GENERAL'S OFFICE,
SALEM, *December 9th*, 1856.

To the Honorable the members of the
House of Representatives of Oregon Territory:

GENTLEMEN: I have the honor to acknowledge the receipt of the following resolution, viz:

"*Resolved*, That the Commissary and Surgeon Generals be and are hereby required to report to the Legislative Assembly of the Territory of Oregon, now in session, at the earliest possible period, a full and specific account of the finacnial condition of their several departments—the amount of stores purchased—the amount consumed—the amount, if any, now on hand—together with any other information pertaining to their several departments that they may possess, of general interest to the people of the Territory of Oregon."

In obedience to the above, I have to reply, that at an early moment—not exceeding twelve days from date, as far as present appearances indicate—I will be able to lay before you the report desired.

I am, very respectfully,

Your obedient servant,

M. M. McCARVER,
Commissary General O. T.

LETTER

Of the Board of State House Commissioners to E. Whittlesey.

Mr. Wilie Chapman, upon bids made and accepted by the commissioners on the 14th day of August, 1854, contracted to furnish materials and perform all the lathing and plastering upon the Territorial Capitol building, at the rate of one dollar and twenty-nine cents per square yard.

The amount of work to be done under that contract was estimated by the commissioners at 2,650 yards, which, at $1 29 per yard, would give the sum of $3,418 50; This estimate, however, was subject to be increased or diminished, by the accurate measurement of the plastered walls when the whole building should be completed.

Mr. Chapman began work at the day of signing his contract, August 14th, 1853, and on the 30th of December, 1854, by estimate of the commissioners, had performed work of lathing and plastering to the amount of $864 57.

His work had been temporarily suspended by the Legislative Assembly occupying a portion of the buildings on the 4th day of December, 1854.

In the estimate made December 30th, 1854, and for which Draft No. 39 was drawn upon the Governor, no account was taken of the materials furnished by the contractor, and then on hand in the building, such as lime, lathes, plaster of Paris, sand, &c., &c.

During the year 1855, and after the adjournment of the Legislative Assembly, at which the Capital was removed from Salem to Corvallis, Mr. Chapman continued to obtain and prepare material for the further work embraced in his contract, and also put on some lathing.

The value of such material furnished, or labor performed, was never estimated, by reason of the change in the board of commissioners. The sum cannot now be accurately determined, the whole having been destroyed by fire, December 30th, 1855.

It has, however, come to the personal knowledge of the undersigned, late commissioners, that Mr. Chapman had expended a considerable sum of money for trusseling, and lumber for scaffolding; that he had in and about the building several barrels of plaster of Paris, several thousand lathes, and tools, all which were destroyed by the fire.

The joint committee of the Territorial Assembly, in determining balance due contractors, by reason of the suspension of their work, and removal of the Capital, reported January 24th, 1856, touching the case of Mr. Chapman, as follows, viz:

For work actually done, - - - - - -	$984 57
For estimated damage on contract, - - - -	1,000 00
Due for additional profit, - - - - -	550 00
	$2,234 57

This report is unquestionably vague, and needs some explanation.

The first item of $984 57 is evidently for work up to that date, Jan. 24, 1855, done in plastering in the building. The second item of $1,000 is for damage by reason of abrogating the contract. Mr. Chapman has always claimed his whole contract, and been ever ready and anxious to complete the same. The third item of $254, erroneously entered as additional profit, is for loss sustained on trusseling, scaffolding, tools, wash, depreciation of plaster of Paris, lime, &c.

From the amount audited and allowed to Mr. Chapman, by the joint committee of the Territorial Assembly, should be deducted the sum embraced in the draft of the commissioners, as drawn Dec. 30, 1854.

Making the amount due Mr. Chapman, - -	$2,234 57
Less amount of draft No. 39, - - - -	864 57
Balance due, - - - - - - -	$1,370 00

The foregoing is a true copy of so much of the letter of the late commissioners to E. Whittlesy, Comptroller of the Treasury, dated June 1, 1856, as relates to the claim of W. Chapman.

E. M. BARNUM,
Late President Board of Commissioners.

PETITION FOR DIVORCE.

To the Honorable the House of Representatives
of the Territory of Oregon now assembled:

Your petitioner most respectfully represents, that she is a citizen of Oregon Territory; that she is the lawful wife of O. N. Burbank; that she was lawfully married to him in the City of Cincinnati, in the State of Ohio, in the year 1852; and for reasons which will be set forth hereafter, she asks your Honorable Body to grant a decree by which the matrimonial alliance which exists between the said O. N. Burbank and your petitioner may be dissolved, and the name of your petitioner changed to her maiden name, Lizzie Gordon.

Your petitioner represents that in less than one year after said marriage alliance was formed, the said O. N. Burbank absented himself from your petitioner, and was absent over two years—wilfully neglecting all the duties incumbent upon him as a husband; that when he returned, he maltreated and abused your petitioner in the most cruel manner, frequently resorting to personal violence during fits of intoxication. And your petitioner further represents, that a great portion of the time of the absence of the said O. N. Burbank, he has lived in adultery with women of ill fame, which has come to her knowledge too plainly to be mistaken; that during his visits to petitioner he has frequently and repeatedly threatened to take her life, but a greater portion of the time since they were married, she has been abandoned by him altogether, being compelled to seek her own support, his never having provided the most common and indispensable means of subsistence for your petitioner during his absence; that he has done this totally regardless of your petitioner, or the duties which he owed to her as a husband; that he has frequently taken the proceeds of the labor of your petitioner and converted them to his own use—squandering them in the most reckless manner—thus depriving your petitioner of the comforts of life; and

that the said O. N. Burbank is now absent, whither, your petitioner does not know, but before leaving he said he was going immediately to the Atlantic States, and should never see your petitioner again.

Trusting that your Honorable Body may grant the divorce asked for in the foregoing petition, and relieve her of an obligation which has ever been unpleasant, she will ever pray, &c.

LIZZIE BURBANK.

SALEM, O. T., *January 15th.* 1857.

JOINT RESOLUTIONS.

Mr. Smith, of Linn, asked and obtained leave to introduce the following Preamble and Resolutions.

Whereas, the confederated Indian tribes, surrounding and in the midst of the settlements of Oregon, did, in the autumn of the year 1855, make war upon the white inhabitants of the Territory, by barbarously murdering federal agents and officers, and by wantonly assailing, killing, and mutilating the bodies of men, and capturing, ravishing, torturing, and destroying defenceless women—alike murdering the infant, the aged, and infirm—plundering, burning, and destroying the houses, barns, grains, fields, and cattle of our unprotected fellow-citizens:

And, whereas, in conformity to the expressed wishes of Maj. Raines, an officer of high character and rank in the regular army of the United States, the Hon. Geo. L Curry, Governor of our Territory, issued his Proclamation calling for volunteers to enlist for the defense of the country, and the protection of the lives, property, and honor of our fellow-citizens—their wives, children, and homes:

And, whereas, hundreds and thousands of the youth, the middle aged, and, in many honorable instances, gray-haired veterans—embracing a large share of the flower, gallantry, and heroism of the land—promptly and nobly responded to the call of the Executive of the Territory, by recording their names upon the muster rolls, and bravely marching into the heart of the enemy's country, and there challenging and experiencing the stratagems, the treachery and the cruelty of a savage and merciless foe, to which were superadded the rigor of winter storms on mountain heights and sterile plains, and the occasional *feast* of worn-out and starved horse flesh—*straight!*

And, whereas, Official imbecility, inaction, and cringing subserviency, instead of protecting the country, and conquering an early peace with the aggressive Indian foe—which was their ostensible mission, as it was their manifest duty—have, with a manifest design to cover its own

nakedness, and conceal its own crime, dared to asperse the motives, question the integrity and bravery, and rob of their well-earned fame, both the living and the dead who were engaged in the defense of their country, their altars and hearth stones; therefore, be it

1st *Resolved by the Legislative Assembly of the Territory of Oregon*, That the people of this Territory are, in the judgment of the Legislative Assembly, chiefly indebted to the courage, gallantry, and indomitable spirit of our Volunteers, for the restoration of peace within our borders, and for that gradual restoration to a sense of individual and general security which the country has of late experienced, and is now experiencing.

2d. *Resolved*, That, as representatives of the people of Oregon—glorying only in her integrity, her prowess, her honor, fame, and prosperity—conscious of the fidelity, courage, and self sacrificing devotion of her hardy yeomanry—we indignantly hurl back the most unmerited and foul reproaches and calumnies uttered and published by the editor of The New York Tribune and Gen. Wool, and other faithless, ill-informed and interested enemies, into the throats of their utterers, and there bid them *freeze*, as did the notes in Munchausen's trumpet.

3d. *Resolved*, That those volunteers in our late Indian wars, who have escaped the bullets and arrows of the savages, the severities of winter, and the still greater severities of days of fasting and hunger, only relieved by scanty allowances of horse-meat diet, are eminently worthy the gratitude and the heartfelt thanks of this Legislative Assembly, and of the whole country.

4th. *Resolved*, That whilst we cherish in our hearts the precious memories of the honored dead, who died in the field, or were stricken down whilst nobly leading or following on to meet, or engage with the foe in deadly conflict, we sympathise with families and kindred bereaved, and hereby offer all such the sincere expressions of our own, and the condolence of our common country.

5th. *Resolved*, That the thanks of the Legislative Assembly are due, and they are hereby cordially tendered to those fathers and mothers in Oregon, who so promptly and patriotically surrendered up their sons to fight the battles of their country; and also to our fellow-citizens—the farmers, mechanics and merchants—who, with a generous confidence, and with a patriotic ardor and a liberal zeal, so promptly and seasonably supplied our citizen soldiery with the means and supplies of war.

6th. *Resolved*, That, if ascertained to be necessary for that purpose, the chief and assistant clerks of the Council and House of Representa-

tives be, and they are hereby authorized and requested, (after the adjournment of the Legislative Assembly) to prepare perfect copies of the muster rolls of the several companies and regiments organized under and by virtue of the Proclamations of the Governor of the Territory, from the commencement to the close of the late war—said clerks, for this purpose, making application to the military departments of the Territory—to the end that said copies, so obtained, and so prepared, may be deposited in the archives of the Territory; said copies to contain the full name of each and every officer and private, designating the grade, company and regiment to which each belonged, the time of service, if known, those killed or wounded, and when and where so killed and wounded, &c; and for such service said clerks shall receive, out of the contingent fund appropriated by Congress, the sum of four dollars per day each, for each and every day actually and necessarily employed in perfecting such copy or copies; provided, that should the disbursing officer of the General Government refuse, for want of authority, to allow and pay said clerks for said extra service, then and in that case the Territorial Auditor is hereby authorized and required to audit and allow, and the Territorial Treasurer to pay, to said clerks such sums as said Auditor shall ascertain to be due as provided in this resolution.

7th. *Resolved*, That it be and hereby is respectfully recommended to our fellow-citizens, and to the patriotic and benevolent institutions throughout the Territory, to inaugurate a system of voluntary, individual subscriptions, for the purpose of raising funds to meet the cost of the purchase and erection of a suitable monumental column, with appropriate devices, inscriptions, &c, at the seat of government, or elsewhere in the Territory, in honor of the valuable services, and to perpetuate the public appreciation of the honored memories of those—both officers and privates—who fell in any of the campaigns during the recent Indian war; and we would further recommend an appropriation out of the Territorial or State Treasury, by a future Legislature, to meet any deficiency, should any be found to exist, consequent upon the erection of such monumental column.

8th. *Resolved*, That, as "truth is mighty and will prevail," and, as speaking in the name of truth and justice, we "ask for nothing that is not clearly right, and submit to nothing wrong," we have an abiding confidence in the ultimate justice of the Federal Government, and the final payment of the fair, reasonable and legitimate expenses of our late Indian war; and that we ask nothing more—freely adopting the motto, *justicia fiat ruat cœlum!*

9th. *Resolved*, That the Legislative Assembly of Oregon have great pleasure in acknowledging the prompt, able, zealous, patriotic and efficient conduct of the Commander-in-Chief, the Governor of the Territory, in the prosecution of our late Indian war, from its inception to its close; and that to him and his very efficient, brave, laborious and indomitable subordinate officers, the Assembly hereby tenders its thanks, and the thanks of the people whom we have the honor to represent,—whose gratitude and confidence, we are well assured, the Commander-in-Chief, and the officers generally, lately in command of our volunteer forces, abundantly possess.

10th. *Resolved*, That the unqualified thanks of this Legislative Assembly are also eminently due, and are hereby most cordially tendered to the Hon. Joseph Lane, our Delegate in Congress, for his unremitting labors to secure the Congressional recognition of our late war—and an assumption, by the General Government, of the debt consequent upon the successful prosecution of the same; and, especially, for his able and eloquent defense of our aspersed honor and integrity as a Territory, and our fame as a constituent portion of the American People.

11th. *Resolved*, That, inasmuch as—according to the laws and usages of civilized nations,—a people who have shown themselves capable of asserting and maintaining their independence against the assaults of foreign, and the treachery and machinations of internal foes, are entitled to receive universal recognition as a free and independent people;—so we maintain, the people of Oregon—having abundantly exhibited self-sustaining and self-protecting power, both in time of peace and war—are abundantly fitted and entitled to assume and exercise the sovereignty of an Independent State, within the Union.

12th. *Resolved*, That the Assembly cheerfully, and with much pleasure, acknowledges its grateful obligations to those Senators and members of Congress, and those newspaper Editors in the States, who have nobly defended our honor, as a people, when assailed, and who have used their influence to secure our just rights.

13th. *Resolved*, That the Secretary of the Territory be, and he is hereby respectfully requested, to forward a copy of the foregoing resolutions to our Delegate in Congress, to the Secretary of War, and to the President of the United States.

RESOLUTION

Relative to the examination of the Penitentiary at Portland.

Be it resolved by the House of Representatives, the Council concurring, That an examining committee of two on the part of the House, and one on the part of the Council, be and they are hereby appointed, whose duty it shall be to visit and examine, during the vacation, or between the 19th instant and the 5th proximo, the territorial penitentiary, situated in the town of Portland, to thoroughly, minutely, and faithfully examine the progress of the work upon the same—its present condition, &c, and report fully their observations, together with their views and recommendations, to the Legislature, on the re-assembling of the same

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RESOLUTION

Relative to the Mail Route between Port Orford and Umpqua City.

WHEREAS, Certain representations have been made to this Assembly touching the expediency of service being applied to the mail route leading from Port Orford to Umpqua City, and considering that some five hundred citizens are wholly without mail facilities in consequence of the absence of such service; therefore,

Be it resolved by the House, the Council concurring, That we fully appreciate the wants of citizens as represented, and in our opinion, substantial justice demands that the department take immediate action in this matter, to the end that mail service be speedily put upon said route.

MEMORIAL.

To the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Oregon, would most respectfully represent to your Honorable Bodies, that every year since the abandonment by the General Government of Forts Hall and Boise as military posts, many American citizens emigrating from the States east of the Rocky Mountains to this and Washington Territories, have been cruelly and most barbarously murdered by the Indians inhabiting the country between the Rocky and Cascade range of mountains. Scores of valuable lives, and thousands of dollars worth of property, have been the tribute which each year's emigration have been compelled to pay to the cupidity and bloodthirstiness of the savages, for the *privilege* of passing, peaceably and quietly, through the Indian country!

If the life and property of every one-hundredth immigrant would meet the annual demand of the savages upon the emigrant road—terrible as such a sacrifice would be—the exaction might be endured; but the victims of this yearly sacrifice are forced to suffer a thousand deaths in one. Congress, surely, needs not to be informed that emigrant mothers and daughters who fall into the hands of the inhuman and brutal monsters who roam over the plains, universally suffer such indignities and outrages as savages alone can inflict; that mothers are compelled to see their children roasted alive, and fathers and brothers to witness the ravishment of their wives, daughters and sisters. These barbarities, and such as these, have been of annual occurrence for years past—for years at least some portion of the emigration from the states to Oregon have been compelled to suffer and to witness them, until, in consequence, immigrants have ceased to arrive in Oregon by the overland route.

The people of Oregon have thousands of friends and kindred in the States, who are desirous of emigrating to this Territory. Besides these, there are other thousands of hardy and enterprising men in the States who desire to make their future homes in the salubrious and fruitful valleys upon this coast, nearly all of whom are deterred from putting forth an effort for the attainment of their wishes through fear of the Indians. The ocean route from the States to Oregon, besides affording no adequate facilities for the transportation of horses and cattle, and such other property as the agricultural emigrant would wish to bring with him, is too expensive. Oregon must look to the plains for material accessions to her population by immigration. And no considerable accessions from this quarter can be reasonably looked for until assurances of protection and safety are afforded.

The present very distinguished Chief Magistrate of the nation, in his Inaugural Address, very wisely and patriotically said, that "The rights which belong to us as a nation are not alone to be regarded, but those which pertain to every citizen in his individual capacity, at home and abroad, must be sacredly maintained. So long as he can discern every star in its place upon that ensign, without wealth to purchase for him preferment, or title to secure for him place, it will be his privilege, and must be his acknowledged right, to stand unabashed even in the presence of princes, with a proud consciousness that he is himself one of a nation of sovereigns, and that he cannot, in legitimate pursuit, wander so far from home that the agent whom he shall leave behind in the place which I now occupy will not see that no rude hand of power or tyrannical passion is laid upon him with impunity. He must realize that upon every sea, and on every soil, where our enterprise may rightfully seek the protection of our flag, American citizenship is an inviolable panoply for the security of American rights." And, though we have individually "wandered far from" the States in which we had our birth, yet we realize an ever-present assurance that we are still upon American soil—that we are American citizens all—that we have neither expatriated ourselves from our country, or lost aught of devotion or love for the Union—and in coming here we believe we are prompted by a "legitimate pursuit". And in coming we have contributed to perfect and secure our national title to the soil upon which we live, and thus, also, to extend the "area of freedom," by planting here the nation's emblem—the stars and stripes—and rearing up under it the institutions of civilization—religion and law. We hope, too, in the immediate future, to contribute largely to the commerce and protection of the national interests upon this

coast, as we have already done to its circulating medium. And in the pursuit of ends so desirable—an enterprise so rightfully sought—we feel that we, as American citizens, have a right to the "protection of our flag," and the military arm of the government. And we now urgently, but most respectfully, pray the "agents whom we have left behind" us to protect our brethren who may come after us from the "rude hand of power or tyranical passion" of the rude and merciless savage, by re-establishing military posts at Fort Boise and Fort Hall, and elsewhere on or near the emigrant road between the Cascade and Rocky Mountains, if deemed advisable or necessary for the security of emigrants.

The history of the past, and the well known character of the Indians, abundantly establish the fact that military posts, at least at Forts Hall and Boise, are imperatively demanded in order to insure the safety required. These posts would serve as connecting links between similar establishments east of the Rocky and west of the Cascade mountains. Without them the Indians are not, and will not be, deterred from the commission of crime. Without them there is not, and will not be, any sufficient protection to persons crossing the plains. And without them it has been, and will continue to be, found quite impossible to punish the Indians for any murders or robberies they may commit. Succor cannot reach the unfortunate; and before any military force can go to the scene of outrage, the savages will have escaped beyond the reach of successful pursuit. And thus the impunity with which the savage may rob and plunder, but emboldens him to a repetition of the outrage.

The establishment of military posts at the points indicated would lead to and greatly facilitate the formation of treaties with the various Indian tribes inhabiting that portion of our Territory lying between the Rocky and Cascade ranges of mountains; and thus would be opened, at an early day, a vast region of country for settlement A consummation much desired, and which would greatly redound to our local and national interests.

Our constituents, the citizens of Oregon, are a law-loving and a law-abiding people. Rather than retaliate upon the Indians, or—with their own hands and weapons—revenge the murder of their kindred, they prefer to appeal to the General Government for redress and protection. This they have repeatedly done And, when the prayed for redress and protection has either been denied, or come too late, or, coming opportunely, has been either inadequate or inefficient, and, as a consequence, our people have been called upon both to protect themselves and rescue the government troops from the power of the savages, they have been

denounced, in certain quarters, as meanly "*making war upon the Indians with the view of plundering the national treasury.*"

Whilst scorning these base imputations, the people of Oregon desire Congress to know that their every interest is promoted by *peace*, and either greatly impaired or wholly ruined by war. The citizens of Oregon are engaged in agricultural pursuits—intent upon subduing the soil, and rendering it subservient to the wants of man. War is neither their trade nor their delight, much less a war with the treacherous Indian tribes upon the Pacific Slope. Scattered over a vast surface of country, as are the fifty or sixty thousand white people of Oregon, it is their desire, as it is their true policy, to live on terms of peace with their Indian neighbors.

The people of Oregon—that is the real, *bona fide* settlers in Oregon—have not, and will not interfere with the benificent policy of the Government of the United States towards the Indians inhabiting this Territory, unless, indeed, driven so to do by the first law of nature—self-preservation.

Whilst, as a people, we are, as we trust, duly grateful for the favors which we have received from Congress in times past, we would take the liberty of suggesting, that though the Territory of Oregon is not Kansas, and that, neither are our people "border ruffians," or negroes, yet we would most respectfully suggest, that we are not wholly unworthy of notice, and that Congress, in our judgment, might bestow a little attention upon us, and the country which we have chosen for our future homes, without serious prejudice to the interests of our "colored brethren."

In conclusion, the Legislature of Oregon sincerely hopes that Congress will heed and grant this our prayer. We feel assured that the preservation of human life demands what we ask, not less than the general interests of this distant Territory, and of the nation at large. If this earnest and candid (and we hope respectful) petition is not granted, travelers to and from Oregon will be obliged to suffer on, and to protect themselves as best they may; but the people of Oregon will have the consolation of knowing that *they* have prayed, and they will, as in duty bound, continue ever to pray.

Passed the House of Representatives Jan. 6, 1857.

Passed the Council Jan. 8, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
Pressdent of the Council.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Oregon, respectfully represents, that by a judicial construction of the act of Congress, passed the 16th day of August, 1856, entitled "An act to amend the acts regulating the fees, costs, and other judicial expenses of the government in the States, Territories, and District of Columbia, and for other purposes," the supreme court of Oregon has come to the conclusion that district courts cannot hereafter, as heretofore, be holden in our organized counties, but that this act prohibits the judges from holding district courts except at three places within the Territory. This prohibition is held to extend as well to causes arising under the territorial laws of Oregon, as to those arising under the laws of the United States, and to suits now pending, as well as to suits hereafter to be brought.

When it is known that many of our citizens reside more than one hundred miles from the places of holding their courts, it will readily be perceived that to such persons that act of Congress will operate oppressively, and as almost an utter denial of justice; and especially so in cases where the amount in controversy is small. These hardships will, to a greater or less extent, be felt by all the people of this Territory residing out of the limits of the three counties in which the district courts shall hereafter be held. Many persons will doubtless prefer to abandon altogether the collection of just claims when payment is refused, and to neglect the prosecution of those who have violated the laws of the United States, rather than undergo the trouble, vexation, and expense of attending, with witnesses, at a remote place for trial, while, on the other hand, the payment of costs and fees for the serving of process, and for the attendance of witnesses at court, will in many cases be ruinous to the losing party. Added to these evils, the late act of Congress has completely disorganized the system of practice in our courts

as established by the Legislative Assembly of this Territory, thus requiring, if that act of Congress be not modified or repealed, that our code of laws be wholly re-modeled so as to conform to that act.

Your memorialists would therefore most respectfully ask that the said act of Congress, passed August 16, 1856, so far as it is applicable to the Territory of Oregon, may be repealed; or if this be deemed inexpedient by your honorable body, that then the said act may be so amended as to authorize the judges of the supreme court to hold district courts in the several counties, at such times and places as the Legislative Assembly of this Territory may prescribe, at which courts any cases of action arising under our territorial laws may be tried and determined; and that the expense of holding such courts, (excepting the salaries of the judges) shall be paid by the respective counties in which such courts may be holden. And your memorialists, as in duty bound, will ever pray, &c.

Passed the House of Representatives Dec. 13, 1856.

Passed the Council Dec. 15, 1856.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the Honorable the Senate
and House of Representatives in Congress assembled:

Your memorialists, the Lesgislative Assembly of the Territory of Oregon, would respectfully represent to your Honorable bodies, that the harbor of Coos (known to you as Kowes) Bay, now belonging to the collection district of Port Orford, and a port of delivery, should be made a port of entry. The following are some of the many reasons in favor of your granting our prayer

The Bay is easily approachable from sea by any class of vessels that are fitted for the Pacific coasting trade; it is sufficiently capacious—extending inland some twenty-two miles—to accommodate a large amount

of shipping, and is so completely land-locked as to afford perfect security during the most severe storms upon the coast for vessels lying at anchor inside the heads.

Large beds of coal are found to exist in this region of county, outcropping, in many instances, in the immediate vicinity of navigable water on this Bay. At several of these outcroppings, mining is already commenced, some ten thousand tons of coal having been mined and shipped hence during the past year.

A trade is being opened between this and foreign ports, to wit: Sandwich Islands; and persons engaged in such trade are desirous of importing directly to, as well as exporting from said ports.

Therefore, your memorialists, pray that either the port of entry be changed from Port Orford to Coos Bay, and the Collector removed to that place, or that a new collection district be established at the north end of the now Port Orford district, to include the Coquille river and entrance, and known as the district of Cape Arago, to be under the same rules and regulations as that of Port Orford and Cape Perpetua. And, as in duty bound, will ever pray.

Passed the House of Representatives January 27, 1857.

Passed the Council January 27, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Oregon, would most respectfully ask that Congress appropriate the sum of twenty thousand dollars, ($20,000,) for the purpose of erecting a *Light House* upon Cape Arago, and the purchase and placing of *Buoys* properly designating the channel at the entrance of Coos Bay. The Cape forms the *south head* at this entrance.

A Light House, erected as prayed for, will not only assist mariners in entering Coos Bay in the night time, but will materially decrease the dangers incurred by vessels trading upon the coast of Oregon, by enabling them to determine their own position whenever they may pass the vicinity of the Cape in running up or down the coast. And, as in duty bound, will ever pray.

Passed the House of Representatives January 26, 1857.
Passed the Council January 27, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K. KELLY,
President of the Council.

MEMORIAL.

To remove Land Office of Umpqua District from Winchester to Roseburg.

To the President of the United States:

Your memorialists, the Legislative Assembly of the Territory of Oregon, most respectfully represent, that previous to the organization of the Land District of Umpqua, (being the Southern Land District in said Territory,) the town of Winchester, on the North Umpqua river, where the office of "Register and Reciever" of said District is now located, was a prominent commercial point in that section of country, and the county seat of Douglas county; but since the location of said Land Office, the county seat of said Douglas county, has been established at the town of Roseburg, on the South Umpqua river, (5) five miles South of said town of Winchester, and it has become the principal business point in the Umpqua Valley, while the town of Winchester has ceased to furnish the conveniences of public entertainment, satisfactory to the people of the District, who are called there to transact business with the Land Office, most of whom are compelled to resort to Roseburg for the same. The removal of the said Land Office to Roseburg aforesaid, although it is but a short distance from Winchester, would make the

same more central and convenient; and said removal is called for by the almost unanimous voice of the people of said Land District.

Your memorialists, therefore, most respectfully request your Excellency to direct the removal of said Land Office accordingly; and as in duty bound will ever pray.

Adopted by the House of Representatives, January 26th, 1857.

Adopted by the Council, January 27th, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL

To Congress in behalf of Widows and Orphans, surviving Indian Massacres

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To the Honoroble the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the Legislative Assembly of the Territory of Oregon, would respectfully represent to your honorable body—

That, in the year 1847, a number of citizens of the United States had settled and were living in that part of Oregon known as Waiilatpu Valley, near the Missionary Station occupied by Dr. Marcus Whitman and that most of the men, together with the said Whitman, were murdered by the Cayuse Indians, leaving captives their wives and children, who were subsequently ransomed, and most of whom are residing in Oregon:

And, whereas, by a decision of the Commissioner of the General Land Office, those unfortunate widows and children are excluded from the benefit of the several donation acts of Congress granting lands to settlers in Oregon; therefore, your memorialists would earnestly pray your honorable body to grant by act of Congress, to each of said widows and children, one hundred and sixty acres of the public lands in this Territory.

And your memorialists would further recommend to your favorable consideration Newton J. Ward, and —— ——, his brother, the only

surviving children of the unfortunate Ward family, who were most inhumanly murdered by the Winese or Snake Indians, near Fort Boise, in the year 1854, left as they are at a tender age without relatives or means.

And your memorialists will ever pray

Adopted in the House of Representatives, January 26th, 1857.

Adopted in the Council, January 27th, 1857.

L F GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL

For Mail Service from Portland to the Dalles, in Wasco county.

To the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the Legislative Assembly of the Territory of Oregon, would respectfully but urgently request of your honorable body, the establishment of a mail route from the City of Portland, in Multnomah county, to the town of Dalles, in Wasco county, and in this Territory; and your memorialists would further state, that a large and increasing population are settled east of the Cascade mountains, in the county of Wasco, and separated from the other settlements in this Territory, by said range of mountains being for a large portion of the year covered with deep snow, rendering any other than a water communication impracticable; therefore, we would respectfully recommend the establishment of such proposed route be established by way of the Willamette and Columbia rivers by steamboat, at least once in each and every week; and in duty bound will ever pray, &c.

Passed the House, December 17th, 1856.

Passed the Council, December 18th, 1856.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL

To Congress for appropriation for completion of Military Road from Astoria to Salem.

To the Senate and House of Representatives of the United States in Congress Assembled.

Your memorialists, the Legislative Assembly of the Territory of Oregon, would most respectfully urge your honorable body to grant and make a further appropriation of fifty thousand dollars, (the amount thought to be requisite to complete the work,) for the completion of the military road leading from Astoria to Salem, in Oregon Territory; and as in duty bound your memorialists will ever pray.

Passed the House, December 16th, 1856.

Passed the Council, January 7th, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL

To the Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Oregon, would most respectfully request your honorable body to grant and make an appropriation of ten thousand dollars for the location and completion of a military road from the town of Rainier, in Columbia county, in said Territory, to intersect the Military Road leading from Astoria, in Clatsop county, to Salem, in Marion county; to intersect said road at or near where the base line crosses said Military Road, near Forest Grove, in Washington county, in said Territory.

And as in duty bound your memorialists will ever pray.

Adopted in the House, January 16th, 1857.

Adopted in Council, January 20th, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the Honorable the Senate
and House of Representatives in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Oregon, beg leave most respectfully to call the attention of Congress to the inadequate mail facilities in this Territory.

The mail service for Oregon Territory, is, in the judgment of the Legislative Assembly, entirely inadequate to the legitimate wants of the country, as is abundantly manifest from the universal complaint of the citizens of Oregon, both as to the scanty amount of service allowed and the irregularity of even the meagre amount we have—very great embarrassment and heavy losses to the general business interests of individuals and of the whole country.

In the judgment of your memorialists, the necessities of the country require and will justify a weekly mail from California to Oregon, by Ocean steamers; and a semi-weekly mail from Portland, in the Northern, to Jacksonville, in the Southern part of the Territory, passing through the centre of the Willamette and Umpqua Valleys; and also a weekly mail on both the East and West sides of the Willamette river, respectively, from Portland, in the North, to the Calapooia mountains, in the South, with such cross routes from the coast to the Cascade range of mountains, as may be necessary to supply the inhabitants of the country.

In support of these requests, your memorialists deem it simply necessary to point Congress to the geographical conformation of this Territory, and to our growing commerce

Your memorialists sincerely hope that Congress will so provide that the people of Oregon may possess the mail facilities which their situation, and commercial interests and necessities, imperatively demand.

And we will as in duty bound ever pray, &c.

Adopted in the House, January 21st, 1857.

Adopted in the Council, January 22d, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Oregon, respectfully represents, that the Indians on the Northern and Southern Oregon Emigrant Roads, have been at various times very hostile for years; that on the 20th of August, 1854, the Wenies or Snake Indians committed an outrageous and inhuman massacre of upwards of twenty immigrants, at or near Fort Boise, on the Northern Oregon Emigrant Road, and the United States' forces at Fort Dalles, in that vicinity, being wholly inadequate to protect the immigrants and punish the offenders, a volunteer force of one company, commanded by Captain Nathan Olney, was called into the service of the United States, by Major J. G Rains, of the United States army, commanding the Columbia and Puget Sound District, and that said company were in active service of the United States, under orders of Major Rains, for nearly two months, and were honorably discharged by his orders at Fort Dalles.

And your memorialists would further represent, that a part of the Shasta, Murdoc and Piule Indians, allies of the Snake Indians, who reside on the Southern Oregon Emigrant Road, stole stock, plundered and robbed the first immigration that passed through their country in 1846; that even at that early day, they brutally murdered a sick, weak and helpless immigrant near Lost River, and they have been very hostile to the whites from that day to this; that in the summer of 1852, they barbarously massacred in the vicinity of this road thirty-two persons, immigrating to Southern Oregon and Northern California, without regard to age, sex or condition; old gray-headed fathers and mothers, and their helpless little children, all shared the same fate; that in July, 1854, these Indians took a pack train loaded with provisions and supplies for the miners; killed one man on the Siskiyou mountains, close to the settlements, and soon afterwards three or four horses were stolen by them at the Forks of the Emigrant and Yreka Road, within the settle-

ments of Rogue River Valley; that large bodies of these Indians were at this time collecting on the Southern Oregon Emigrant Road, and threatened the immigrants, who were then on their way to Southern Oregon and Northern California; and the United States regular forces in that vicinity, stationed at Fort Jones and Fort Lane, being scarcely sufficient to protect the settlements in the immediate vicinity of the forts, company "A," commanded by Captain Jesse Walker of the 9th Regiment of Oregon militia, was called into active service by orders of His Excellency John W. Davis, Governor of Oregon Territory, for the purpose of protecting the immigrants on this route; that this company traversed the plains, drove the Indians from the road, and penetrated the enemy's country along the Emigrant Road for upwards of five hundred miles, and gave ample protection to the immigrants on the route, so that not a single person was killed during the time Captain Walker and his company remained in the field.

Your memorialists would further represent, that various citizens of Oregon furnished supplies, transportation and valuable property, such as saddles, bridles, ammunition, guns, &c, for the use and benefit of these two companies; that a portion of said property was turned over to, and still remains in the possession of the United States, under the control of the proper officers at Fort Dalles; that our citizens have not been paid for either services or property; therefore, we your petitioners, would respectfully ask Congress to make an appropriation to pay the officers and privates belonging to said companies for their services, and other persons for supplies furnished, and for all other expenses necessarily incurred for the use and benefit of said companies while in active service protecting the lives and property of American citizens in 1854.

Adopted, January 13th, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress Assembled.

Your memorialists, the Legislative Assembly of the Territory of Oregon, most respectfully represent: That by the treaty of the 10th of September, 1853, made with the Rogue river tribe of Indians in Southern Oregon, a reservation was established on the North side of Upper Rogue river, in said Territory, known and designated on the maps of the United States, as the "Table Rock Reserve;" that said Reserve embraces about three townships of the best arable land in Oregon: that under late instructions from the Commissioner of Indian Affairs, the Indians located on said Table Rock Reserve have been transferred to, and located on the "Grand Ronde Reserve" in Northern Oregon, whereby said first mentioned reservation has become uninhabited by Indians.

Therefore, your memorialists respectfully urge your Department to direct the completion of the survey of said Reserve; and that the efforts and influence of the same be used to have said reservation vacated, and opened for pre-emption and purchase.

And as in duty bound will ever pray.

Adopted December 18, 1856.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the Senate and House of Representatives
Of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Oregon would most respectfully ask that the sum of twenty thousand

dollars ($20,000) be appropriated by Congress for the purpose of locating and building a military road from the head of navigation on Coos River, (one of the tributaries of Coos Bay,) to intersect the military road leading from Scottsburgh to Myrtle Creek at the most practicable point. And, as in duty bound, will ever pray.

Passed the House of Representatives Jan. 27, 1857.

Passed the Council January 27, 1857.

L. F. GROVER,
Speaker of the House of Representatives
JAMES K. KELLY,
President of the Council.

MEMORIAL.

For the relief of the heirs of Thomas Jeffreys.

To the Honorable Congress of the United States:

Your memorialists, the Legislative Assembly of the Territory of Oregon, respectfully show, that in the year 1846, Thomas Jeffreys, a white citizen of the United States, settled with his family upon a tract of land in Oregon, now embraced in parts of sections 29, 30, 31, and 32, in township 5 south, of range 4 west; that he cultivated the same from that time until the year 1849, when he went upon business to California, leaving his family upon his claim, and remained a short time absent; that in the same year he returned to Oregon, but died on his way home, on the 15th November, 1849, leaving a widow and heirs, who have continued to reside upon and cultivate said tract of land until the present time; and that, by the decisions of the Commissioner of the General Land Office, it is held, that under the act of Congress, passed 27th September, 1850, and the amendments thereto, the heirs of any settler, who died prior to the said 27th September, 1850, are not entitled to the benefits of act.

This construction of those laws your memorialists conceive to be extremely hard, not only in the case of Thomas Jeffrys' heirs, but in many other cases within this Territory.

The heirs of all settlers who died since the 27th September, 1850, are, by the provisions of that act, entitled to the land resided upon and cultivated by such deceased settler; and your memorialists know no just reason why the heirs of those who died prior to that date should be excluded from such benefits. Indeed, if any distinction should be made, we conceive that the heirs of those settlers who came here at an early day, and endured all the hardships and privations incident to a life on the frontiers, ought to be preferred to the heirs of those who arrived at a later period.

Your memorialists would therefore respectfully ask that a special act may be passed, granting to the heirs of Thomas Jeffreys three hundred and twenty acres of land upon which the said Thomas Jeffreys resided before his death.

And your memorialists further ask your Honorable body to pass a general law granting to the heirs of all settlers upon the public lands in Oregon, who died prior to the 27th day of September 1850, the same rights to the land of their ancestors as if such settlers had died after that date, and before the expiration of the donation laws, unless such lands have passed into the possession of *bona fide* claimants, and in that case, that such heirs shall be entitled to the same quantity of land as their ancestor or ancestors would have been entitled to, which shall be selected by them from any public lands of the United States. And your memorialists will ever pray, &c.

Passed the House of Representatives January 16, 1857.

Passed the Council January 21, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the President of the United States:

Your memorialists, the Legislative Assembly of the Territory of Oregon, would most respectfully represent to your Excellency, that hitherto the harbor of Coos Bay has received no attention from the

Coast Survey; that it is a point from which coal and lumber is being shipped to a considerable extent, and a place of no inconsiderable commercial importance to our coast; that, in consequence of their having been no official survey of said harbor, vessels and merchandise going to that port can obtain no insurance. Therefore, your memorialists pray that the attention of the proper department be called to these facts, to the end that said harbor may be speedily surveyed. And, as in duty bound, will ever pray.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K KELLY,
President of the Council.

RESOLUTION

Respecting Mail Service in Oregon.

WHEREAS, the mail facilities of this Territory are notoriously inadequate to the wants of the country; therefore,

Be it resolved by the Legislative Assembly of the Territory of Oregon, That our delegate in Congress be and he hereby is requested to exert his influence to obtain for Oregon the additional mail service desired by the people of the Territory, and prayed for by the Legislature.

Resolved, That the Secretary of the Territory be and he hereby is instructed to forward copies of the foregoing resolution, together with the Legislative memorial praying for additional mail facilities, to our delegate in Congress, to the President of the United States, the Postmaster General, the Speaker of the House of Representatives, the President of the Senate, and the chairman of the committee upon post office and post roads.

Passed the House of Representatives January 21, 1857.

Passed the Council January 22, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES. K. KELLY,
President of the Council.

RESOLUTION

Relating to depositions of certain persons relative to convict labor.

Resolved by the House, the Council concurring, That there be appointed a commissioner to take the deposition of A. B. Hallock, Wm. McMillan, Wm. H. Frush, Wm. M. King, Stephen Coffin, Solomon Holcomb, Finice Caruthers, B. M. Clegget, and such other persons as said commissioner may think proper, relative to labor performed by the territorial convicts during the administration of the present keeper of the penitentiary.

Passed the House of Representatives January 17, 1857.

Passed the Council January 19, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K. KELLY,
President of the Council.

RESOLUTION.

Be it resolved by the House, the Council concurring, That the Legislative Assembly, when it adjourns on Friday the 19th day of December, instant, will adjourn to meet on Monday, the 5th day of January, proximo.

Passed the House of Representatives Dec. 12, 1856.

Passed the Council Dec. 13, 1856.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K. KELLY,
President of the Council.

RESOLUTION

Relative to Road from Grand Ronde Agency to Tillamook Bay.

Resolved by the House, the Council concurring, That the memorial of numerous citizens of Willamette Valley, asking Congress for an appropriation of twenty thousand dollars for the construction of a wagon road from the Grand Ronde Indian Agency to Tillamook Bay, herewith accompanying, is deserving of the utmost consideration. We therefore would urge upon your honorable body the necessity of such an appropriation, for the establishment of a wagon road from Grand Ronde to Tillamook Bay.

And we in duty bound will ever pray.

Passed the House, December 12th, 1856.

Passed the Council, December 13th, 1857.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K KELLY,
President of the Council.

RESOLUTION

Instructing Librarian to rent and fit up a room for Territorial Library.

Resolved by the Legislative Assembly, That the Territorial Librarian be and he is hereby instructed to rent and fit up a room for the Territorial Library in accordance with the suggestions contained in his annual report.

Passed the House of Representatives, December 13th, 1856.

Passed the Council, December 15th, 1856.

L. F. GROVER,
Speaker of the House of Representatives.
JAMES K. KELLY,
President of the Council.

RESOLUTION

Instructing the Delegate in Congress to secure further donations of University Lands.

Whereas, the donation of lands made by Congress to aid in the establishment of a University in Oregon, is considered inadequate to the purpose contemplated: Therefore,

Be it resolved, That our Delegate in Congress is hereby requested to use his best endeavors to procure the passage of an act by Congress making a further donation of two townships of land for said purpose, to be located after the formation of a State Government, and within the boundaries of the future State of Oregon.

Passed the Council, January 7th, 1857.

Passed the House, January 10th, 1857.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

RESOLUTION

In relation to payment of rent of Public Buildings at Corvallis.

Resolved, (*the Council concurring*,) That our Delegate in Congress be and he is hereby respectfully requested to use his influence with the Treasury Department at Washington City, to instruct the Secretary of this Territory to pay all just and equitable claims for rent of buildings at Corvallis, occupied by the Governor for an office, and the Legislative Assembly for Legislative Halls, out of any money appropriated by Congress for such purposes.

Passed the House, December 15th, 1856.

Passed the Council, December 15th, 1856.

L. F. GROVER,
Speaker of the House of Representatives.

JAMES K. KELLY,
President of the Council.

MEMORIAL.

To the Honorable the Council
and House of Representatives of the Territory of Oregon:

Your memorialists, Commissioners of the County of Curry, would most respectfully represent, that we are opposed to, and ask your honorable body, not to pass any law or laws, by reason of which, that part formerly Coos, now Curry county, may become burdened by any portion of the debt of Coos county.

In support of our prayer, we would state the following as some of the reasons by which we are influenced in this our appeal, relying on the justice of our cause, and trusting to your good judgments and patriotism to guard that which we cannot do in person.

First—At the organization of Coos county, that part outside the limits of the now Curry county, having the numerical strength, selected and located the county seat at Empire City, Coos Bay, only twenty miles South of the Northern limit of the county, leaving the entire distance from Empire City to the California line, nearly two hundred miles, to suffer the great inconvenience and expense of travel in this part of the Territory to attend the courts of justice.

Second—That in the organization of the said county of Coos, so remote and so sparse a population, had no share in the distribution of of the offices, or any of the benefits derived from a disbursement of the county revenues, or those collected for the use of schools. That not one dollar of either has ever been expended within our present limits. That they (Empire City) have held the offices and the funds, and in their appropriation have had all the benefits derived therefrom—how well they have done it, the present debt of Coos county must conclusively show, as well as that of the school funds in their hands.

Third—That from the accompanying memorial it will be seen that they, not we, were anxious for a division of the county as it was; but now, the division is made, we are satisfied, provided that the county of Coos is made to liquidate its own debts.

Fourth—In addition to the above considerations, we have yet another. That part known as Curry county, is but yet thinly populated; and now, and for a long time to come must languish from the effects of the

recent merciless Indian war, which has swept over and almost devastated the entire county of Curry, leaving her people many of them houseless and without a dollar; whilst the county of Coos, though perhaps suffering from a stagnation in business, has suffered nothing from the presence of war.

For these reasons, therefore, you are respectfully and earnestly memorialized, to allow the act authorizing the separation and organization of Curry county, to remain without amendment or alteration touching the subject of this our petition, and your memorialists will ever pray, &c.

Very respectfully,

PETER RUFFNER,
AARON DYER,
County Commissioners of Curry county, O. T.

Attest:

R. H. SMITH, *Clerk of the Board.*

MEMORIAL

In reference to the irregularity of the Mails.

To the Honorable Legislative Assembly
of the Territory of Oregon:

The petition of the undersigned, a citizen of Oregon, respectfully sheweth, that there are hundreds and thousands of citizens of Oregon who are suffering immense inconvenience from the tardiness and irregularity with which the mails are carried in our Territory, as well as from the scanty mail service furnished in Oregon; that great embarrassment is occasioned thereby to business men, in the slow and irregular transmission of their letters, and to the patrons and publishers of the public journals, but especially, and almost ruinously to the buisiness of the latter; that the present contracts call for only weekly service between some of the principal cities, and upon some of the principal routes in the Territory, while, in many instances, even the provisions of existing contracts are not fulfilled; that the great United States mail from the East has sometimes lain from ten to twelve days within forty-five miles of Salem.

The undersigned has no complaints to make of postal agent or agents, past or present; but begs your Honorable body to take such action in the premises as shall call the attention of Congress, and of the Post-Office Department, to our grievances in these particulars, and to the absolute necessities of this Territory, and urge upon them the importance that more liberal mail facilities and a more vigorous policy be adopted towards Oregon. And, as in duty bound, your memorialist will ever pray.

THOMAS H. PEARNE.

PETITION

For the relief of Elijah Williams.

To the Honorable the Legislative Assembly
of the Territory of Oregon:

The undersigned petitioner, Elijah Williams, of Polk county, represents to your Honorable body, that heretofore, to wit: on the 30th day of January, 1855, the Territorial Assembly passed an act entitled "An act for the relief of J. Elder, and others therein named," the same being appropriations for services in surveying, reviewing, and marking a territorial road from Astoria to the Willamette Valley; that among the appropriations therein made was the sum of four hundred and twelve dollars ($412) to one Thomas Scott.

And your petitioner represents, that said Thomas Scott, before the allowance made as aforesaid by the Territorial Assembly, sold and assigned his claim for services in said work to one Matthias Woolsey, and on the 13th day of April, 1855, said Woolsey sold and assigned said claim or allowance of four hundred and twelve dollars ($412) to your petitioner.

Your petitioner further represents, that the amount of said allowance to said Thomas Scott has never been drawn from the territorial treasury, but that your petitioner has been prevented from obtaining the money, by reason of the failure or refusal by said Scott to execute to petitioner the proper power of attorney therefor; and that said Scott has fraudu-

lently procured from the territorial auditor a warrant or order upon the territorial treasurer for the amount of said four hundred and twelve dollars ($412).

And your petitioner, representing that he is wholly remediless in the courts of law and chancery in the premises, respectfully asks that your Honorable body will pass an act authorizing the territorial treasurer to pay the amount of said allowance to your petitioner, whose receipt may be made a good and sufficient voucher for the same.

And your petitioner, as in duty bound, will ever pray.

ELIJAH WILLIAMS.

December 10*th*, 1856.

PETITION

Praying for the repeal or amendment of "An act to locate a Territorial Road from Booneville to Eugene City."

To the Honorable the Legislative Assembly
Of the Territory of Oregon:

Your petitioners, the board of county commissioners of Benton county, respectfully represent that, in accordance with an act of your Honorable body, at its session of 1855 and '56, entitled "An act to locate a territorial road from Booneville, in Benton county, via. Bundie's Bridge on Long Tom, to Eugene City, in Lane county," a territorial road has been located, as specified in said act, commencing at a point on the territorial road leading from Corvallis to Estes', near Booneville; thence, running in a southerly direction, to Eugene City, in Lane county, running nearly parallel, for the distance of seven miles, with said Estes' road, not more than one mile apart.

And your petitioners would further represent, that application for damages have been made to your petitioners, and assessed by three disinterested householders of said county, to the amount of four thousand four hundred dollars, to persons through whose premises said road is located; and your petitioners further represent, that Benton county is

unable at this time to pay said damages, and that said road is not of sufficient utility to the public to warrant the payment of the same, were it able.

For the foregoing, and numerous other good reasons, your petitioners pray that your Honorable body will repeal or amend said act. And in duty bound will ever pray, &c.

JOHN FLOYD,
ABRAM S. LOCKE,
JACOB MARTIN,
County Commissioners.

RULES OF THE HOUSE.

RULE 1. The Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day. He shall immediately call the members to order, and, on the appearance of a majority of the members, shall cause the journal of the preceding day to be read.

RULE 2. Seven members, with the Speaker, or eight members in his absence, having chosen a Speaker, *pro tem.*, shall be authorized to call the House, compel the attendance of absent members, make an order for their fine and censure, and may adjourn.

RULE 3. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

RULE 4. The Speaker shall rise to put a question, but may state it sitting.

RULE 5. Questions shall be directly put in this form, to wit: "As many as are of opinion that (as the question may be) say aye; and after the affirmative voice is expressed—"As many as are of the contrary opinion, say no." If the Speaker doubt, or a division is called for, the House shall divide—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

RULE 6. The Speaker shall have a general direction of the House of Representatives' room, he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall have the right to name any member

to bear messages to the Council, and to appoint all committees, subject to additional members, to be added upon motion.

RULE 7. The Speaker shall vote in all elections by ballot, and when the ayes and noes are called for, he shall vote, his name being called last; and in case of an equal division, the question shall be lost; and upon all other questions where the House is equally divided, he shall give the casting vote; or where his vote would make an equal division, he shall vote upon the call of any member, and in case of such division, the question shall be lost.

RULE 8. Fourteen standing committees, to consist of three members each, except the committee on judiciary, which shall consist of five members. A committee on elections, a committee on ways and means, a committee on education, a committee on the judiciary, a committee on claims, a committee on military affairs, a committee on roads and highways, a committee on engrossed bills, a committee on enrolled bills, a committe on Indian affairs, a committee on printing, a committee on corporations, a committee on commerce, a committee on counties. It shall be the duty of the committee on elections to examine and report upon the certificates of elections and other credentials of the members returned to serve in the House, and to take into consideration all other matters relative to contested elections which may be referred to them. It shall be the duty of the committee on ways and means to inquire into the financial concerns of the Territory, and to make a detailed report of the same, and to take into consideration all such other business as may be referred to them; and each of the other committees shall take into consideration all subjects and matters which may be referred to them.

RULE 9. In case of any disturbance or disorderly conduct in the lobby, the Speaker (or chairman of the whole House) shall have the power to order the same to be cleared.

RULE 10. No committee shall sit during the sitting of the House, without special leave; and all writs, warrants and subpœnas issued by order of the House shall be under the hand and seal of the Speaker, attested by the clerk.

RULE 11. All questions relating to the priority of business to be acted on shall be decided without debate.

RULE 12. After the journals are read, business shall be disposed of in the following order:

1. Petitions, memorials and remonstrances.
2. Reports from standing committees.
3. Reports from select committees.
4. Propositions and motions.
5. Second reading of bills, &c.
6. Engrossed bills read a third time.
7. Bills, reports, and other business lying on the table.
8. Bills, and other business from the House.
9. Other business of the Council.
10. Orders of the day.

RULE 13. The Speaker shall, upon each day, announce to the House the business in order, agreeably to the preceding rule; and no business shall be taken up or considered until the class to which it belongs shall be declared to be in order; but reports from the Governor may be read at any time.

RULE 14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker, and shall confine himself to the question under debate, and avoid personality; and no member shall impeach the motive of any other member's vote or argument.

RULE 15. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

RULE 16. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the clerk's table; and no member shall be held to answer, or be subject to the censure of the House for words spoken in debate, if any other member has spoken, or other business has intervened, after the words are spoken, and before exception to them shall have been taken.

RULE 17. When two or more members happen to rise at once, the Speaker shall name who is the first to speak.

RULE 18. No member shall speak more than twice to the same question without the leave of the House, nor more than once until every member choosing to speak shall have spoken.

RULE 19. While the Speaker is putting the question, or addressing the House, no member shall walk across or out of the House; nor when a member is speaking shall any entertain private discourse, or pass between him and the chair.

RULE 20. No member shall vote on any question, in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question—"Were you within the bar when your name was called?"

RULE 21. No member shall be permitted to record his vote on either side of any question, unless he was present in the House at the time such question was put, unless by unanimous consent of the House.

RULE 22. Upon a division and count of the House on any question, no member without the bar shall be counted.

RULE 23. Every member who shall be in the House when the question was put, shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced, and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request; and the question shall then be taken without further debate.

RULE 24. When any motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the chair, and read aloud before debated.

RULE 25. Every motion shall be reduced to writing, if the Speaker or a member desire it.

RULE 26. After a motion is stated by the Speaker, and read, it shall be deemed to be in possession of the House, but may be withdrawn at any time before decision or amendment.

RULE 27. When a question is under debate, no motion shall be received but to adjourn, to lie upon the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to re-commit, or amend; which several motions shall have precedence in the order in which they stand arranged; and no motion to postpone to a day certain,

to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

RULE 28. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

RULE 29. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment and further debate of the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motions, no call shall be in order prior to the decision of the main question.

RULE 30. On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE 31. Motions and reports may be committed at the pleasure of the House.

RULE 32. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out, being lost, shall preclude neither amendment, nor a motion to strike out and insert.

RULE 33. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

RULE 34. When a motion has once been made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof on the same or any other day during the session.

RULE 35. When the reading of a paper is called for, if any objections are made, it shall be decided by a vote of the House.

RULE 36. The unfinished business in which the House was engaged at the preceding adjournment, shall have the preference in the order of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of.

RULE 37. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the succeeding day shall be permitted again to speak without leave.

RULE 38. Petitions, memorials, and other papers addressed to the House, may be presented by the Speaker, or by any member, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

RULE 39. A motion to adjourn shall always be in order; that, and the motion to lay on the table, shall be decided without debate.

RULE 40. It shall be in order for the committee on enrolled bills to report at any time when no motion is before the House. The committee can report without notice to the House, by handing the report to the principal clerk.

RULE 41. Every bill shall be introduced by motion for leave, or by order of the House, or the report of the committee. One day's notice, at least, shall be given of a motion to bring in a bill, and the member giving such notice shall state concisely the leading objects of the bill, for the information of the House, which motion may be committed.

RULE 42. Every bill shall receive three several readings, on three different days, previous to its passage, unless two-thirds of the House shall dispense with this rule.

RULE 43. First reading of a bill shall be for information, only, except bills from individual members, which may be referred at any time. But if, on the first reading of a bill, objection be made, the question shall be—"Shall this bill be rejected?" If no opposition be made, or the question to reject be negatived, the bill shall go for its second reading without a question.

RULE 44. Upon the second reading of a bill, the Speaker shall state it is ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole House; the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

RULE 45. After commitment and report thereof to the House, or at any time before its passage, a bill may be re-committed.

RULE 46. All bills ordered to be engrossed shall be in a fair round hand.

Rule 47. No amendment by way of ryder shall be received to a bill on its third reading.

Rule 48. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

Rule 49. In forming a committee of the whole House, the Speaker, leaving the chair, shall appoint a chairman to preside.

Rule 50. Upon bills committed to a committee of the whole House, the bill shall be read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House; after report, the bill shall again be subjected to be debated and amended by clauses, before a question to engross it be taken.

Rule 51. All questions, whether in committee or in the House, shall be propounded in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

Rule 52. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole House.

Rule 53. The rules of proceeding in the House, shall be observable in a committee of the whole House, so far as they may be applicable, except the rules limiting the times of speaking, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

Rule 54. No standing rule or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of at least two-thirds of the members present, nor shall the order of business established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

Rule 55. No member shall absent himself from the service of the House unless he shall have leave, or be sick and unable to attend.

Rule 56. The clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his abilities, and shall be deemed to continue in office until another be chosen.

Rule 57. The duty of door-keeper shall be to give notice to the

House of all messages, to carry all messages the House may require, private as well as public; when requested to call a member of the House, he shall do so by name; he shall keep the House clean, and have a good fire made therein by the hour of 9 o'clock in the morning, when the weather requires it.

RULE 58. It shall also be the duty of the door-keeper to attend the House during its sittings, to keep the Representative Hall and committee rooms in perfect order, and in all things to execute the commands of the Speaker, and of the House, from time to time.

RULE 59. It shall be the duty of the sergeant-at-arms to attend the House during its sittings, announce all messages, preserve order in the lobby of the Hall, and to execute all process issued by authority of the House, and directed to him by the Speaker.

RULE 60. No person shall be allowed to smoke within the Hall or lobby thereof while the House is in session.

RULE 61. The clerk shall keep a journal of the decisions of the Chair, to be inserted at the close of the journal of the House.

JOINT RULES.

1. While bills or joint resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their clerks respectively.

2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper, and the clerk of the House where it originated shall endorse on the back thereof the House in which it originated, under which he shall place his signature.

3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee on enrolled bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

4. Every bill or joint resolution reported to have been duly enrolled shall be first signed by the Speaker of the House of Representatives, who shall send the same to the Council, then by the President of the Council.

5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and President of the Council, in their Houses respectively, when in session, which shall be carefully noted on the journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

7. In case of disagreement between the two Houses, after passing the usual formalities, each House shall appoint, at the request of the

other, two members to act as a committee of conference, which committee shall meet, endeavor to compromise the matter in dispute, and report to each House their proceedings thereon.

8. In all cases where the sergeant-at-arms of either House, by reason of official engagements, or other causes, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the sergeant-at-arms of the other House to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. When a message is sent to the Council or House of Representatives, it shall be announced at the door by the sergeant-at-arms or doorkeeper, and shall be respectfully communicated to the chair by the person by whom sent.

10. Messages shall be sent by such officers of the Council or House as the President of the Council or the Speaker of the House of Representatives may designate for that purpose.

11. No bill which shall have passed one House shall be sent for concurrence to the other on either of the last two days of the session.

12. The President of the Council and the Speaker of the House shall cause the clerk of each House to number the bills and resolutions originating in their respective Houses.